Danatian

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HONOLULU, H. T., TUESDAY, NOVEMBER 20 1904-SEMI-WEEKLY.

WHOLE No. 2646

CHURCH MAY GEAR TAKES GRAND JURY PORT ARTHUR IN PERIL TAKE HOTEL - BACK WATER PROBES VOTE

Said to Have Been Will Not Cite Governor Territorial Offered Management of Hawaiian.

The management of the Royal Hawaitan Hotel has been offered by the trustees of the property to Fred J. Church present manager of the Haleiwa Hotel at Walalua, and the managing trustee of the Hawailan, Mr. J. R. Galt of the Hawailan Trust Company, went to Waialua yesterday, presumably to close the negotiations.

It is probable, if Mr. Church accepts the offer of the business, he will take charge of the Hawalian Hotel about the first of the year.

Mr. Church has been manager at Haleiwa for about a year past and has shown a marked talent for hotel management in the building up of that property. He has, in fact, made the Halelwa one of the most popular places of resort around Honolulu. It is, in fact quite the proper thing for smart people now to go down to Haleiwa on Saturday to remain over Sunday, and the Halelwa Limited is one of the most popular trains run by the Oahu railway. The golfing set, led by Mr. Church, has taken kindly to the house, and the fullest advantage has been made of the attractions of the beautifui place,

Before adventuring into the hotel business as manager of the Haleiwa, Mr. Church was the manager of the Honolulu Photo Supply Company and gained many friends in the city by lived in Honolulu for a number of years past and has a wide acquaintance on the various islands as wen ment of the Hawailan he would doubtless be a strong force in the rehabilitation of a house whose fame is annout re coextensive with the fame of the city

But May Discharge Mahaulu.

Another stage of the deadlock between Governor Carter and Judge passed yesterday.

the second subpoens, issued on Saturday, Judge Gear gave a fuling in effect that under a certain eventuality the matter would drop, but if another set of circumstances ensued the jury would be directed to acquit the de-

Governor Carter said last night that he had nothing whatever to say in regard to Judge Gear's last stand in the Mahaulu matter. As a matter of fact, the ruling of the court leaves the matter up to the judge. It is not the Governor's move.

THE COURT PROCEEDINGS.

When the case was called after 10 o'clock Mr. Thompson for the defendant inquired about the service of the ordinary subpoens issued to Governor Carter of Saturday, in lieu of the citation for contempt for which his motion was granted the previous day. There was no return of service on the files but Attorney General Lorrin Andrews appeared and, producing from his breast pocket a copy of the subpoena, acknowledged on behalf of the Governor due and regular service thereof

Mr. Andrews made a statement identical in substance with that made his square business methods. He has by Mr. Prosser on Friday, conveying on December 12: F S. Armstrong, Palit. the Governor's compliments and saying he would not attend court both because of the pressure of public business and his having nothing to testify nolulu; Chas. Butzke, Honolulu; Henas on the mainland. In the manage- in the case. It was added that in cases where his testimony was needed he would be willing to appear and that Kauai; Robt. W. Cathcart, Honolulu;

> Judge Gear, being informed in an-(Continued on Page 8.)

Inquisitors Steal March On Federal Body.

As it was predicted in the Sunday Advertiser that he would do, Judge Gear, over the refusal of the Governor Dole yesterday called a special session to obey a subpoens to appear as a of the Federal Grand Jury, stating in witness in the Mahaulu case, was open court that the venire was at the request of representatives of the Demo-Governor Carter having disregarded cratic party here. In other words, precisely as the Advertiser said, an investigation is to be made of the matter of the so-called numbered ballots that were voted in the November election, the local Democratic managers hoping to lay some kind of ground for a contest that may possibly carry them into the House of Representatives at Washington, The House of Representatives being the sole judge of the qualifications of its own members, of course a contest can only be begun therebut an effort will be made to make something of the grand jury's inquisi-

In the meantime, the Territorial grand fury took a new departure yesterday, going into this same matter in advance of the Federal inquisitorial body. The hallway of the government building was thronged all day with men who served on the election boards in various precincts, who were called in one at a time to tell the Territorial. grand jurors what they knew about numbered ballots-and, it might be some other things as well.

The following citizens were called to serve on the Federal grand jury at its special session, those drawn being instructed to present themselves in court Maui; J. W. MacDonaid, Honolulu; E. W. A. Likoksalani, Hilo; C. G. Ballentyne, Honolulu; E. J. Waterman, Hory Lancaster, Honolulu; Ed. W. Carley, Paia, Maui; S. N. Hundley, Kealla, in the present case he intended no dis- Wm. Young, Honolulu; Jacob P. Wine, Honolulu: Geo. C. Watt. Waialua: C



ADMIRAL ROZDESTVENSKY, COMMANDING THE BALTIC SQUADRON

FINE PALOLO LANDS SOON TO BE THROWN ON MARKET

"This department is bending every effort to have the Palblo land put on the market or at least to have it advertised for sale in January," said Commissioner Pratt yesterday.

"There are, I should say, 950 acres in all to be sold up there, running up the canyons to the tops of the ridges, and clear back as far as the top of Olympus. Of this land at least 50 per cent. should be available for agricultural purposes. In fact, there should be more than that, for hillsides slopes carry good soil and should grow good grapes.

"It is the purpose to put this tract on the market in small lots, say of about five acres, so that it may be taken up by men who work in the city of Honolulu and who desire to make homes for themselves where they can raise some kind of small crops to help pay for the land. This is the only tract we have close to the city at this time available for this kind of thing.

"The surveyors are now hard at work upon the plats, and by the latter part of this week I expect to be able to announce definitely just when the land will be advertised.

"Besides the Palolo lands we are getting ready to put on the market about 3600 acres in Pupukea and Paumalu, five miles beyond the Haleiwa hotel. This, also, should be ready to advertise early in January. This land will be in one hundred acre tracts, for the most part, although there are a few larger tracts than that available AUSTRALIAN PREACHER for posture lands, and the water on the lands will be fairly divided."

TO BUILD NEW ROAD AROUND MANOA VALLEY

"Work will commence on the new road to extend clear around Manoa valley just as soon as the necessary rights of way have been secured from the property-owners.

"We have had the building of this road in contemplation for some time past," said Commissioner of Public Works Holloway yesterday, "and I have been in correspondence with the property owners along the line of the proposed road relative to rights of way. I his wife immediately but fortune did not seem to smile on him.

valley road and continue on around the head of the valley, coming Selby failed to properly provide for her support and that twice down on the opposite side and running into the Waialae road at Molilili bridge. This is an improvement for which the need is beming more urgently felt from the rapid growth of the Manoa strict. The road will be between three and four miles long, and will be built as fast as the funds become available for the purpose." seized in Canadian waters for illegal fishing and fined,

DEATH OF A FAMOUS PRINCETON PROFESSOR

PRINCETON, N. J., Nov. 29.-Prof. William Paxton is dead.

William Miller Paxton, Professor of Ecclesiastical, Homiletical and Pastoral Theology in Princeton Theological Seminary since 1883 and President of the Faculty since 1900 was born in Adams County, Pennsylvania, June 7, 1824 and graduated from Pennsylvania College in 1843. In 1848 he graduated from Princeton Theological Seminary and later received the degree of D.D. His LL. D. degree was conferred by Jefferson College. The principal positions he held beside his professorship in Princeton were: Pastor Presbyterian church, Greencastle, Pa., 1849-51; First Presbyterian church, Pittsburg, Pa., 1851-66; Professor of Sacred Rhetoric in Western Theological Seminary, 1860-65; Pastor First Presbyterian church, New York, 1866-83; for several years a teacher in Union Theological Seminary; member since 1866 (president, 1880-84) of the Presbyterian Board of Foreign Missions; member 1867-83 (president, 1876-78) of the Presbyterian Board of Home Missions; Moderator in 1880 of the general assembly of the Presbyterian Church in the United States of America; trustee of Princeton since 1867; trustee Leake & Watts Orphan Asylum, New York, 1866-83; trustee Sailors' Snug Harbor, New York, 1866-83.

SHOOTS AT A JUDGE

SAN FRANCISCO, Nov. 28.—Isaac Selby, an Australian preacher, shot at Judge Hebbard while he was on the bench today, but missed. The attack on Judge Hebbard was the outcome of an adverse decision which the court had made in a divorce case in which Selby was concerned.

Selby was an itinerant preacher while in Australia, having in his checkered career advocated the doctrines of several different churches. Friends in Australia told him that he could make a great name for himself in the United States and that the people there wanted him. The deluded man sailed for San Francisco with think those will all be donated to the government free of charge. Not only did his money give out but his wife, tiring of his treat-"The new road will start at the upper end of the present Manoa ment, sued him for divorce. In her complaint she alleged that she had been compelled to sell portions of her wardrobe to satisfy the demands of landlords.

EASTPORT, Me., Nov. 20.—Ten American vessels have been

Ninety Per Cent of the Russian Defences Lost to the Czar---Oyama Repulsed In the North.

(ASSOCIATED PRESS CASLEGRAMS.)

TOKIO, Nov. 29.—It is reported that the Japanese are succeeding in their assault, 203 meters of the principal hill having been carried and held. With the capture of this point, the occupation of the Russian works will amount to ninety per cent. and every part of the harbor will be exposed to the Japanese guns.

BLOCKADERS DRAW OFF.

LONDON, Nov. 20.-Admiral Togo's blockading fleet has been greatly reduced.

RENNENKAMPF DEFEATS JAPANESE. SHENKING, Nov. 29.—General Rennenkampf's position was attacked on the 25th, resulting in three day's fighting near Da Pass.

The Japanese were defeated but fighting continues. REPULSED AGAIN.

ST. PETERSBURG, Nov. 28.—The Japanese assault on Port Arthur on Saturday was repulsed with enormous losses.

NO LONGER VICEROY.

LONDON, Nov. 27.-It is reported that Admiral Alexieff has been relieved of the viceroyalty of Manchuria.

THEY KEEP THE SHIP.

ST. PETERSBURG, Nov. 27.—The supreme prize court has confirmed the seizure of the British steamer Cheltenham.

MUKDEN, Nov. 26 .- It is believed the army intends winter. in its present location. Skirmishing continues.

BREAKING NEUTRALITY.

LONDON, Nov. 26.- Japan has drawn attention to the fact that British steamers are supplying the Russian fleet with coal.

RIVERS FROZEN OVER.

ST. PETERSBURG, Nov. 26 .- The Sun and Taitse rivers are

frozen, impeding transportation. TOKIO, Nov. 28.-The Japanese Diet meets on Monday. Viscount Katsura, the Premier, has said that Japan is prepared to sacrifice the last man and the last dollar in the war with Russia. The crops exceed the average by the value of fifty millions. Financial conditions are unaffected.

SUBMARINES FOR VLADIVOSTOK SQUADRON.

CRONSTADT, Nov. 28.-Two American submarine boats have arrived for the Y

JAPS BOYCOT A HILO MAN

Contractor Lyman Into Trouble.

so much as has been represented, by 1st. He is not a candidate for the the publication in the local Japanese paper of a boycott against Rufus A. Lyman, one of the leading business and the officers of the Young Men's men of the town. The paper in question, the Hilo Shimbun, in its issue of November 14, contained a notice which greatly enjoyed by those who were has been translated as follows:

"There is a white merchant in Hilo by the name of Lyman, whose family is always taking advantage of the Papaikou Mill, a heavy sea swamped Japanese, with whom they do business, the craft, throwing the occupants in-A few days ago, we heard the rumor to the water. Four of the five boatthat they took the lead in the labor men, who were natives, swam to places troubles at Kukaiau discharging many carried against the rocks, where it was Japanese laborers. Although this may impossible to rescue him before he bebe simply politics, it is unbecoming came exhausted and was drowned. in them. If it is a fact, it is very had for the Japanese.

"At present, nobody is buying any thing, even beef or soda water from Youngren of the S. S. Enterprise passthem, but are buying from other merchants. This is a natural consequence of the Matson line, and on Sunday the which comes upon his family, and step tug Chas. Counselman went out in by step, they ruin themselves among search of the derelict. The log was our countrymen. In this community overhauled and towed into port. It where the Japanese have been their largest customers, they must consider where their profits come from."

In the Shimbun of November 16, following this publication, appeared the following card:

"NOTICE TO JAPANESE.

"We hear the rumor among the Japanese in Hilo, an account of which appeared in No. 607 in the local news column of the Hilo Shimbun, published day before yesterday, that our family were the chief promoters in discharging Japanese laborers from the Kukaiau road work, and therefore the Japanese have decided to oppose our family. We are very sorry for this. The facts of the case are that the Hawaiian Territorial legislature passed a law signed by Governor Dole, April 23, 1903, and published as Act 37, providing that no person shall be employed on the public works except citizens of this country. And if any person employs any other kind of labor, they will be published by a fine not exceed-

ing \$100 and not less than \$10. We acted under the law and we could not help ourselves. We never intended to harm the Japanese and if anybody is angry at us for our action, they should read the Laws of Hawail. we have always sympathize with your countrymen, and as a proof, we employ Japanese in our businessin our stables, soda works and meat market. In closing, we most respectfully beg your best wishes.

RUFUS LYMAN. "(Signed) "Hilo Nov. 16, 1904."

SUNDAY LAW IN HILO.

The Herald says of the enforcement

of the Sunday law: ? "The matter of a Puritan Sabbath for Hawaii is one which just now has the attention of the public from Niihau to the furthermost point on Hawaii. The Heraid believes that in an inland town, far from the maddening crowd, such a thing has proven feasible, but in a Territory where every town is a seaport it will be difficult to purify all of the people all of the time. Such reform movements are inaugurated in different parts of the country at irregular seasons and the effect is momentary. The same result may be looked for in a Territory like Hawaii where every day is Sunday in so far as the morals of the community is concerned. High Sheriff Henry has the proper idea of how the Sabbath should be spent and he will probably see that the law is such that the public will not be deprived of every sort of relaxation on that day, because it is the day on which a great many people attend church. Any sort of enjoyment or labor that interferes with the comfort and peace of a citizen should not be tolerated in any community, but beyond that it will not be safe for the law to go. Hilo has not the saloon evil to the extent that the places have back door routes for the thirsty; when they close Saturday night they remain

POSTOFFICE FIGHT.

closed until Monday.'

The woods are still full of candidates for the Hilo Postmastership. and there are one or two hiding in the sugar cane fields, and that despite the fact that there is, as yet, no actual vacancy and the present postmaster is conceded to be a most efficient official. However, there is no doubt that Madeira will go up one step in the service, and perhaps it is time for the candidates to begin getting their lightning rods into view. It is said that the place has been offered to George L. Desha, an employe of the Honolulu office. There is a strong pull being made for Chas, Siemsen. Two members of the Lyman family, Norman and Henry, are spoken of, W. H. Beers has been favorably mentioned as a satisfactory successor to the of-

HILO BRIEFS.

The cotillion by the local club was an innovation that will be long remembered. The decorations of the hall

were artistic and unique and reminded one of the old time barn dances on the mainland. For the accommodation of the ladies and gentlemen taking part in the dance bales of hay were provided as seats to be used during the intermissions.

Homer L. Ross leaves for the coast in December to be absent about three months. He has some important professional business to attend to in Canada and if he can get through with it in Obedience to Law Gets time he will go to Ohio and return to Hilo with Mrs. Ross. Otherwise he will meet Mrs. Ross in San Francisco after his return to that place from Canada and accompany her to Hilo. Rev. Walter C. Stewart has arrived from Boston to take charge of St.

James Mission here, Thos. C. Ridgway has gone on a HILO Nov. 25.—The town of Hilo brief business trip to San Francisco has been stirred, although perhaps not and will return on or about January

Admiral Beckley entertained several members of the executive committee Republican Club at a wine dinner last Thursday night at Demosthenes' Cafe. The affair was impromptu and was honored with an invitation.

On Friday, about 10 o'clock a, m. while a boat from the S. S. Helene was attempting to make a landing at

The steamer Rosecrans of the Matson line will leave San Francisco for Hilo and Honolulu on November 28th. About ten miles off port, Captain ed a huge log drifting on the high sea He reported the fact to Agent Guard was nearly seventy feet in length, white with barnacles showing that it had been adrift many years. theory is that the tree must have drifted from the Oregon coast and was carried by the currents to the islands. Such floating timbers are a menace to navigation and often cause the sinking of a ship, when run into unawares.

HAVE BEEN ONE

A man, while wandering in the village cemetery, saw a monument and read with surprise the inscription on

"A Lawyer and an Honest Man." The man scratched his head and looked at the monument again. He read the inscription over and over, then he walked all around the monument and examined the grave closely. Another man in the cemetery approached and asked him:

"Have you found the grave of an old friend?

"No," said the first man, "but I was wondering how they came to bury those two fellows in one grave."

Dread Possibility,

It is rumored that several of our prominent young men may venture upon the sea of matrimony .- Maui News.

Mrs. Nakuina was hearing the Nuuanu valley water rights case in the Land Court room yesterday.

FOUNDED IN HONOUR.

No doubt you have seen in the

papers such announcements as this concerning some medicine or other: "If, on trial, you write that this medicine has done you no good we will refund your money."—Now, we have never had reason to speak in that way concerning the remedy named in this article. In a trade extending throughout the world, nobody has ever complained that our medicine has failed, or asked for the return of his money. The public never grumbles at honestly and skillfully made bread, or at a medicine which really and actually does what it was made to do. The foundations of WAMPOLE'S PREPARATION are laid in sincerity and honour, the knowledge of which on the part of the people explains its popularity and success. There is nothing to disguise or conceal. It was not dreamed out, or discovered by accident; it was studied out, on the solid principles of applied medical science. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. This remedy is praised by all who have employed it in any of the diseases it is recommended to relieve and cure, and is effective from the first dose. In Anemia, Scrofula, Nervous and General Debility. Influenza, La Grippe, and Throat and Lung Troubles, it is a specific. Dr. Thos. Hunt Stucky says: "The continued use of it in my practice, convinces me that it is the most palatable, least nauseating, and best preparation now on the market." You can take it with the assurance of gettir well. One bottle proves its intrinsic value. * You

cannot she disappointed in it."

THE GOVERNOR PLUMPLY DEFIES GEAR'S CITATION

Will Not Come Into Court and Divulge Public Matters In His Charge.

(From Saturday's Advertiser)

"I SHALL NOT ANSWER THE SUBPOENA, BECAUSE I DO NOT THINK IT COMPORTABLE WITH THE PUBLIC INTEREST."-Governor Carter in an interview with a representative of the Advertiser.

Governor Carter was subpoenaed to appear as a witness in the case of the Territory of Hawaii against Stephen Mahaulu, on trial before Judge Gear in the Circuit Court yesterday, and refused to honor the summons. Judge Gear then granted a motion, pre- him. He maintained that the Governor for a number of years, but the developviously made to issue a citation today, calling the Governor to appear for disobeying the subpoens. In this and answer why he should not be punished for contempt of court regard he showed the Advertiser rein ignoring the legal process.

The subpoena for the Governor was what is called in legal connection with the trial of Aaron parlance a "subpoena duces tecum," which means a subpoena to of the United States was amenable to appear in court and produce a certain paper, and calls upon Gov- a subpoens duces tecum requiring him ernor Carter to come into court and bring with him any document to bring a certain letter into court. which he may have in his possession purporting to be the resignation that decision by the eminent Amerof J. H. Fisher, Auditor of the Territory.

In other words, it is the old fight about undated resignations over again, and this time the Governor has concluded that he will his attendance as a witness, and an not walk into the trap set for him.

"I shall not answer the subpoena, because I do not think it comportable with the public interest," said Governor Carter in answer to a direct question yesterday.

"I was subpoenaed in the Dow case, and I went into court on: expecting to be asked what I knew about the case—and I was asked something entirely different. I do not know anything about this case and I do not propose, in the interest of the dignity of the haulu. Subpoena. Territory of Hawaii, to be subjected to that sort of thing again."

There have been few cases in which the courts of the United of Hawaii, or his Deputy; the Sheriff States have issued subpoenas of this class to the chief executives of the Island of Oahu or his Deputy; of States, but the law of such cases has been pretty plainly laid or any Constable in the Territory of down in the decision of Chief Justice Marshall on the application for the issuance of a subpoena duces tecum for the President of George R. Carter to appear at the the United States, Thomas Jefferson, during the celebrated trial of Aaron Burr: Burr and Jefferson were political enemies and had Friday the 25 day of November 1904 been political rivals, and there was perhaps some measure of politics at 2 o'clock p. m. to testify as wit- dry." in the request at that time for the issuance of a subpoena for the above entitled matter and to bring with smile. President.

tecum could issue for the President, but that if the production of Auditor of the Territory of Hawail. the papers demanded was not essential to the defense in a capital case, or if their production might be injurious to the public interest, that fact should be made to appear on the return of the subpoena. The Marshall decision has been followed by many others along of the First Circuit, this 25th day of similar lines, the purport of which would seem to be that the production of any state paper is discretionary with the executive, so far as the judiciary is concerned.

IT WAS NO SURPRISE.

Deputy Attorney General Prosser, after the adjournment of the same time handed....the sum of court, made a statement as follows:

"The motion for a citation was no surprise to the Territory. It had been fully prepared for. There can be only one outcome of the proceedings.

"All of the decisions in different States, where the question nas ever arisen, are to the same effect. The chief executive in a government cannot be compelled to come into court as a witness and has ever arisen, are to the same effect. The chief executive in a bring public documents with him.

The decision by Chief Justice Marshall in the Burr case, it is true, held that the President of the United States might be subpoenaed, but you must know that in that case the President was not required to appear in court.

"In a Pennsylvania case, the court held that, if a chief executive were compelled to appear and divulge public business in his charge, the executive department might as well be abolished and its functions handed over to the judiciary. This is in keeping with the constitutional provision of the three departments of governmentthe executive, the legislative, and judicial.

"There was no room for misunderstanding of the remarks I made before the court. They showed that I officially represented the Governor and that the stand taken by the Governor was thor-ceived for taxes in this Territory is all oughly considered in advance of the occasion,"

PROCEEDINGS IN COURT.

be adjudged in contempt of court for designated in said subpoena. disobeying a subpoena,

The alleged contempt arose yesterlay afternoon in the trial of Stephen spectfully declines, for reasons of publicen per cent, but I do not believe that Mahaulu for embezzlement of public lic policy and the pressure of public there will be any falling off whatever. money. Frank E. Thompson, on the business, to appear before this court "The salary appropriation bill for the their worth by personal experience. I reopening of court at 2 o'clock, stated in answer to said subpoena." that he had caused a subpoens to the Governor present, he requested that the premises. the witners be called.

George R Carter's name was accordingly cried by the bailiff three times in the court precincts without officer guarding Mahaulu, as Bailiff a response boing returned.

eral, now intervened with the follow- ence to the aubpoena.

Sold by all chemists everywhere. Territory of Hawaii I desire to ac- message to the Governor, as he had ing off this year."

Governor Carter, commanding him to Governor of the Territory of Hawaii and from present indications the inappear before Judge Gear on Monday before this court at 2 o'clock on this come for this fiscal year will cover the morning next at 10 o'clock, to show day, and that he produce certain documents in his possession, in his official cause if any he has why he should not capacity, before this court at the time ."The Governor of Hawaii presents

his compliments to this court and re-

Judge Gear then asked Mr. Prosser

not aware of any proposed action, Judge Gear then ordered the police

informed him positively that he would

not appear in court.

Judge Gear at this countermanded his order to the policeman and forthwith granted the motion for a citation to the Governor. In doing, so he expressed regret that such an extreme measure was necessary, but he could tee no reason why a Federal officer should hold himself above the law. He would have to proceed in the same manner as would be required in the case of any other subpoensed witness. The citation was ordered to be made réturnable at 10 q'clock Monday morn-

As the court was adjourning at quarter to five, Judge Gear asked Mr. Phompson if he had prep red the citation. The attorney for the defendant replied that it would be ready this morning

FORM OF SUBPOENA. A "subpoens duces tecum" is defined in the Standard Dictionary thus: "A writ commanding a person to appear in court, bringing with him certain designated documents or things: literally, you will bring with you."

In Gavernor Carter's case the door ment to be brought was the undated resignation of Auditor Fisher, the ouvious intent of the desired evidence being to attack the competency of the Auditor as a witness for the Govern ment, on the ground that he was under a sort of durance from having his undated resignation hanging over his

JUDGE GEAR ANNOYED. Judge Gear, on being seen after adjournment of the court, spoke in deprecation of the unpleasant position in they were in town. It is generally bewhich the Governor's course placed lieved that glanders has been present had not an iota of justification in law porter the United States decision, rendered by Chief Justice Marshall in One of the sections of the syllabus of ican jurist reads as follows:

"A subpoens may issue to the President of the United States to compel accused is entitled to take the course."

Following is a copy of the subpoens issued to Governor Carter, together with the serving officer's return there-

THE DISOBEYED MANDATE.

"In the Circuit Court of the First Circuit, Territory of Hawaii. "Territory of Hawaii vs. Stephen Ma

"The Territory of Hawail: "To the High Sheriff of the Territory

"You are commanded to subpoens Court House in Honolulu, Island of Oahu, before Hon, George D, Gear on ness on the part of defendant in the him any document or documents. Nevertheless, Justice Marshall held that a subpoena duces writing on paper, being or purporting to be the resignation of J. H. Fisher. "Hereof fail not and of this process

make due return. "Witness the Honorable George D.

Gear, 2nd Judge of the Circuit Court November 1904.

"WM, R. SIMS, Clerk."

"Served the within Subpoena by reading the same to the within named George R. Carter at Honolulu, Oahu, this 25th day of November, 1904, and atas witness fees, and the sum of.... as traveling fees.

ALBERT McGURN; Deputy Sheriff.

Will Probably be Surplus In Treasury This Year.

"It is not the case," said Auditor Fisher yesterday, "that the money reused in the payment of salaries, nor that all public improvements are paid knowledge the receipt and proper ser- for out of the bond fund. The Terrivice of a subpoena issued out of this torial expenditures within the past A citation will be issued today to court requiring the attendance of the year have been well within the income, estimated expenditures very comfort-

"The receipts for the current year, in such misery. month by month, are holding up, in fact, very well. It is possible, of course, that there may be a falling off of say

present fiscal year foots, granted that every last cent of it should be drawn, Governor, returnable at that hour, to if the Attorney General's Department \$963,000. The expense appropriation bill alized great relief and in two months be issued. As he did not observe the was prepared to take any action in foots up, if every last cent should be drawn, 1999,491. This is a total of \$1,-Mr. Prosser answered that he was 952,499, that is if the money should all be drawn out. Against this we have receipts from taxes amounting to \$1.-681,199.49. And then there is the in-Ellis was temporarily absent from the come from all other sources. The total Mr. Thompson suggested to the court court court courtecom, to convey his compliments of government receipts for the last fisthat it should take some action with to Gov. Carter and inform him that it cal year was \$2,415,356.88. As we make regard to the absence of the witness, was the court's opinion that it was the estimates of the income, month by M. F. Prosser, Deputy Attorney Gen- necessary he should appear in obedi- month, this year compares favorably with the last, showing perhaps a slight Mr. Promer here informed the court gain, so that I am well within the truth "On behalf of the Governor of the that it would be of no use to send a in the belief that there will be no fall-

IS IN TOWN

Animal Inspectors Take Active Repressive Measures.

"There have been a few cases of glanders, and we are hunting it down as fast as we can."

Walter F. Dillingham, member of the Board of Animal Inspectors, gave the foregoing answer to an Advertiser reporter's question yesterday.

"The Board is getting actively to work," Mr. Dillingham continued, "to locate all suspicious cases and quarantine them until we can decide whether or not they have the disease. "In this connection, it is very im-

portaint to all stock owners in the country to assist in every way to round up these cases, and, as a special inducement, the law puts a penalty upon concealment, whether one conceals his own infected horse or holds back information about another's.

"So far we have located only two cases, in the last three weeks. Yes, ment of a number of cases within the past three months has led to the taking of active steps to stamp out the disease altogether.

"The Board is hampered by having no appropriation with which to work, but we are hoping to get assistance from the Board of Health and also an advance of necessary funds from the Stock Breeders' Association, the idea. being that any advances made by private institutions will be reimbursed: through special act of the Legislature.

"All animals coming into the country are subjected to careful examination by our executive inspector, Dr. Rowat, or by Dr. Katsunuma, the other veterinary member of the Board."

RAIN REMINDED HIM OF HILO

"This reminds me of Hilo," said & B. Loebenstein yesterday afternoon as he stood in front of the Union Grill in a dripping rain coat. "But say, it rains worse in Honolulu than it does in Hilo, That's a fact. You can stand out in the rain in Hilo and you don't get wet. The women of Hilo think it's all right if it rains on Monday, because they put their washed clothes out on the lines to

"If not, why not," never cracked &

AN ASTONISHING VICTORY OVER OBSTINATE SCIATICA.

Disabled for Quarter of Century Miss Mack Now Resumes Her Interrupted Work. How She Was Cured-

Miss Catherine J. Mack, of No. 42 Forbes street, Jamaica Plain, Mass., has had a most remarkable experience as a victim of sciatica, probably the most excruciating and disabling form of neuralgia, as it involves the great nerve of the hips, and makes all motion of the lower half of the body torture. Other nerves sympathize, and the intensity and steadiness of the pain make the condition of the sufferer truly pitiable. After a quarter of a century of weakness and agony, Miss Mack is now entirely free from her affliction and for the benefit of others she gives the following account of her

"My filness began twenty-five years ago. During all that time I had to remain in bed several days out of every, week. I had constant and very severepain in my right hip, knee and foot, also in my right hand; in fact, my whole right side seemed involved. The pain was so intense that it was almost impossible for me to sleep or even toturn in bed. For periods lasting sometimes for two weeks I could not cross the floor and the pain was then indescribable. My mind, too, was nearly distracted by my long sufferings. It eems to me that I have lost a lifetime

"It was just about a year ago that I began to use Dr. Williams' Pink Pink for Pale People, the remedy that finally cured ma They were recommended to me by my niece, who had learned of took them persistently for four months in all. At the end of two months I remore I found myself again a well woman and able to take up my long neglected occupation as a dressmaker. I had been under the care of physicians for some years and had used numerous advertised remedies, but nothing did me any good until I took Dr. Williams' Pink Pills. They have cured me and I recom... mend them to all who tell me they suffer sa I did."

Dr. Williams' Pink Pills have cured not only all forms of neuralgia, but also nervous prostration, partial paralysis, St. Vitue dance and incommist ataxia. They are sold by All druggists

NEWSPAPERHACHIVE®

DAUGHTERS

Interesting Meeting of the Local Society.

(From Sunday's Advertiser)

The "Daughters of Hawaii" met at the home of Mrs. L. A. Coney. After the reading of reports, appointing of committees, and voting in of several new members, the Regent, Mrs. B. F. Dillingham, addressed the ladies' present in substance, as follows:

The society, "Daughters of Hawail," aims to number among its members. those who take an interest in the legends, traditions, history and scientific discoveries relating to our native land. Age seems to have a fascination with all who desire to trace an ancestry, or recall historic events. Those who interest themselves along these special lines, find to their surprise, that according to the researches made by students of languages, customs and hearts. Like a halo, are the sweet general evolution of races, the Hawaiian stands pre-eminent among the Polynesian people. Not only have they no superior in the Pacific, but through the East Indies, on to the Malay Peninsula in the vast country of India, and even to Arabia are there traces of their long descent. Words, customs, legends leave no doubt of this fact. In the far time of their "beginning." the ancestors were of white complexion, but climatic conditions, and inter mixture of bloods produced many variations during the centuries that

It is the intent of this society to search the pages of the past, and, glean all possible information relative to the long procession of events which have resulted in the Hawalian of today. It is impossible to give even a synopsis of these possibilities in these few remarks, but the amazing genealogles of the Hawaiian families will support these intimations.

Returning now to a period antedating the Great Kamehameha by about twenty-one generations, we present today a short sketch of Pago, Levi Hazlelea, while on a visit to Hilo, prepared by a student at Kamehameha School, which gives an account of the migration to this group from the islands of Samoa, of a man from whom Hewahewa the high priest who assisted Kamehameha the second in the abolishment of the tabu system, was directly descended.

MISS PARIS'S ADDRESS. After the reading of the article on Paga the historian, Miss-Anna M. Paris, followed with a few words relating to the inception of the society and closed with an appreciative tribute to the three ladies whose member- less telegraphy or steamer to bridge the ship had not continued through even the first year. Miss Paris said:

Our society is still young. Not a ear has passed since we first met, a tion soon followed, and a wedding little hand, as Daughters of Hawaii. shortly after was the result. The need of some fitting recognition of our birth-right in this fair landa something that should redeem from oblivion a past swiftly fleeting, unique in its charm and teeming with memories almost sacred-had long been felt by some of us. It needed the supreme moment to give it life. Mrs. Sarah Coan Waters, returning for a visit to her native land, after years of absence, was our inspiration. In her enthusiasm and affection for Hawaii, its memories, its history, its people, she proved to us that those linked together by early association here are in a peculiar way united. To the descendants too, of those living here when the very remoteness added to the poetic charm, when Aloha was the pass word and hospitality the keynote of existence-island life, its history and traditions must be a heritage rich and inalienable. It is ours as Daughters of Hawaii to preserve and cherish this precious legacy!

Small in numbers as we are today, death has already invaded our little circle. Three of our earliest members, Mrs. Banning, Mrs. H. A. P. Carter and Mrs. Haalelea have passed into the life beyond.

Pausing in retrospect over these names, we seem lifted above the dull level of the commonplace. In "memory's sunset air," the whole horizon broadens, and beautiful vistas are opened up. Each representing a dis-tinctive type of womanhood, these three form a trio rarely met with.

Mrs. Banning, living away from the islands was yet closely in touch with everything relating to Hawaii, and with the purpose and spirit of this soclety was more than sympathetic. Clara Armstrong, as so many of us knew her? What a picture of beautiful girlhood does the name recall. An ideal to some of us of womanly charm and winsomeness. Endowed with the rare gift of fascination, young and old of both texes were alike Clara's adorers. The family gift of humor was hers, and she diffused wherever she went an atmosphere of delightful exhilaration. Her name, in the old school days, was carved on cliffs and granadillas, and etched in school books and stately forest trees today still bear the "Jack knife's carved inital" C. H. A. Serenades to the fair Clara took place often, and the refrein, "In yon bower, there above. She sleeps, she sleeps my lady love," was frequently heard under her window. On one occasion good father Armstrong, his patience at last giving way after frequent disturbances, raised the sash and with a fearful blow to sentiment called out, "That'll do boys, that'll do

Through prevented by lack of NEWSPAPERARCHIVE®

-grow night."

strength, during her later years from taking any active part in life's duties, Mrs. Banning in her mental activity was untiring.

The best thought of the day was hers. The harmonious notes in life's music fell on her ears, while her heart reached out ever in its welcome to olu friends. There was no mistaking the aloha. For her at the last, there was 'no shadow from this silent land." Her life went out-

"As sinks behind the hill The glory of the setting star Clear, suddenly and still."

Mrs. H. A. P. Carter, or Gussie Judd we love to remember her, was called early to fill a position wide reaching in its influence, and of great value to Hawall, and how nobly did she fill it! As the wife of our representative in Washington, she was for many years the magnetic center of an adultring circle.

Her rare personality made its impress on all who knew her-all felt the poise, the strength of the woman, while the charm of the girl, the bright ness and sweetness of the "Gussle" of Punahou days always remained.

To quote from Mr. W. O. Smith in his peautiful tribute to Mrs. Carter at the memorial service of the Cousins Society: "All through her varied experiences, the beauty of character she showed, marked her as a distinguished woman,... She will live in the memory of those who knew her as a cheering thought and inspiration so levableso strong." An inspiration indeed is her life, for not only by her social gifts, but by her patience, her triumphant cheerfulness and thought for others, during years of iliness and suffering, has she endeared herself forever to our memories that surround her name. In the death of Mrs. Haalelea (nee

Ululani Amoe Ena), a link with the past has been severed. Descended on the mother's side from the old line of Kaikilani or "Wahine Alli o Puna," as her great great grandmother was called, married at an early age to a high chief of Hawaii, and being herself a prominent figure in the court circle of Kamehameha Fourth, Mrs. Haalelea ever retained that courtliness of manner for which the allis of Hawaii have been so distinguished. Her affection for the old days was strong as life itself, having had its growth in the most picturesque and romantic period of Island history, yet, in her gracious acceptance of the inevitable as it came, she showed herself superior to circumstance and change. Devotion to whatever she undertook to do, was a marked trait in her character, as her years of faithful service in Kawalahao church will testify, and if one had Mrs. Haalelea for a friend, they knew on whom they could rely. This quality of steadfastness was developed at a very early age. It was early in the fifties when first met the young girl who was to become his wife. An engagement took place after which he left for Honoiulu, promising to return at a certain date and claim his bride. The sacredness of a promise was strong in the girl of sixteen and as the time passed and he falled to appear or to send any word she wrote breaking the engage-

ment. The chief, whose heart was really set upon the fair Hilo maid, was greatly distressed. Hawaii was a far away island in those days, with neither wiredistance. Chartering a schooner, however, as quickly as possible, he set sail for Hilo. Arriving there, a reconcilia-

The honeymoon, spent at the old country seat of the King at Kailua, a spot unique in its selting, with its mountain background, and its frontage on the beautiful bay, where the tabu balls still guard the premises, was always a bright spot in memory to Mrs. Haalelea. She could tell of swimming to Kamakahonu, the other side of the bay, the place where the great Kamehameha breathed his last. A picturesque way of annihilating distances, but a feat requiring strength and skill. In after years Mrs. Haalelea traveled extensively and was a most discriminating observer of other lands and customs. She gained friends everywhere for the rich memories of the past added to her ready wit and intelligence made her a delightful companion. Her place in the social life here can never be filled.

Are not our hopes stronger that such as these belong to us? . Not only have they lived among us, but they are ours, for "memory is possession" and "The muster roll of life eternal has no gaps."



We get careless and dress as if it were summer. Then come chills, colds, coughs. Keep

Ayer's on hand. A dose or two at the beginning will stop the

chills, break up the cold, and prevent serious trouble. Look out for cheap imitations. In large and small bettlet.

Avoid constinution, 'Hasten a cure by the use of Ayer's Pills. Proposed by Br. S. C. Ayer Co., Lowell, Mass., U. S. A.

HOLLISTER DRUG CO., Agenta.

JBPOENA TAKES PLACE OF CARTER CITATION

But the Governor Refuses to Obey It So What Will Gear Do?

(From Sunday's Advertiser)

"I WILL NOT ANSWER THE LAST SUB-POENA TO APPEAR IN JUDGE GEAR'S COURT."-Governor Carter in conversation yes-

Coming down a step as gracefully as may, it became evident yesterday afternoon that Judge Gear and the attorneys for the defense in the Mahaulu case had concluded not to cite the Governor to show cause why he should not be punished for contempt of the Circuit Court in refusing to obey a subpoena duces tecum to appear in court and bring with him any paper he might have in the nature of or purporting to be the resignation of Auditor Fisher.

Instead of a citation for contempt, a plain subpoena to appear as a witness in the case was served upon the Governor in his office yesterday. This put an entirely different face upon the matter, but did not change the Governor's attitude.

"I will not answer the last subpoena to appear in Judge Gear's court," said the Governor. "I do not believe that it comports with the dignity of the Territory for this department to be at the beck and call of any other.

"I have prepared a letter to the Attorney-General in response to the paper served upon me, and I have no objection to the publication of that letter."

THE GOVERNOR'S LETTER.

The letter from Governor Cafter to the Attorney-General is

November 26, 1904.

Lorrin Andrews, Esq., Attorney General, Territory of Hawaii. Dear Sir:-In response to the enclosed summons served on me this morning, to appear as a witness in Judge Gear's court at 10 o'clock on Monday morning, out of respect to this Court, a co-ordinate Department of the Territory, I desire you to appear in person on my behalf, and inform the Court that I have no information which could possibly be of service in connection with the case in question, and do not believe it is compatible with the dignity of the office I hold to allow it to be subjected to the orders of the Court, as prompted by the whims or opinions of attorneys. It is the law that should be

obeyed, not the lawyers. The absence of the Secretary of the Territory makes the demands on my time for the details of this office far in excess of what is usual, and in my opinion, high public interests might suffer if I admitted that the Courts had a right to command my attendance. As yet, I have never refused to attend voluntarily and testify in any case, where I have been consulted and my evidence shown to be necessary.

Very respectfully,

GEORGE R. CARTER,

Governor.

The form of subpoena served upon the Governor yesterday is given below, being the regular form of such court papers:

In the Circuit Court of the First Circuit, Territory of Hawaii. Territory of Hawaii,

|Subpoena.

Stephen Mahaulu

The Territory of Hawaii:

To the High Sheriff of the Territory of Hawaii, or his Deputy; the Sheriff of the Island of Oahu, or his Deputy; or any Constable in the Territory of

You are commanded to subpoena George R. Carter to appear at the Courthouse in Honolulu, Island of Oahu, before Hon. Geo. D. Gear, on Monday, the 28th day of November, 1904, at ten (10) o'clock A. M., to testify as witness on the part of the defendant in the above entitled matter.

Hereof fail not, and of this process make due return. Witness the Honorable Geo. D. Gear, 2d Judge of the Circuit Court of the

First Circuit, this 26th day of November, 1904.

J. A. THOMPSON.

Endorsed: Circuit Court, First Circuit, Territory of Hawaii v. Stephen Mahaulu. THE FURTHER PROCEEDINGS.

Following the instructions of the Governor, the Attorney-General will appear before Judge Gear when the Mahaulu case is called on Monday, and make the statement of the Chief Executive's position as indicated in the letter.

It will then be up to Judge Gear and the attorneys for the desense of Mahaulu. Whether contempt proceedings will be instituted, or whether the whole matter will be allowed to drop, is a matter that cannot, of course, be foretold at this time.

As to Auditor Fisher's part in the matter, he is the Auditor de facto of the Territory in any event-and that would seem to for 1905-1906 is 200,000 pines. The comsettle the status of his testimony.

Visitor Tells of Some by nothing is known, but owing to the In Sumatra and

volcano, but owing to a lack of time treme cold,

which fairly bristle with volcanoes. On were invested | re, the returns, I am absence of his brother, W. O. Aiken, part of the week.

Java he says there are a score or more craters, many active to a certain extent. On Sumatra there are a large them. number of volcanoes, several being wreathed in smoke nearly all the year. Some have never been visited or explored by white men.

engineer, he gave up the project, After leaving the coast Mr. Hundeshagen keeper, is at the Coast. calculates it would take about two L. Hundeshagen, a Hollander, resid- weeks to make the arcent and nearly ing at Loeboe, Sikaping, Sumatra, ar- the same amount of time would be re- to be constructed at Peahi. The peo- hulul from Honolulu early Friday rived on the Gaelic and is a guest at quired to return. The great difficulty pie residing in that vicinity will ap- morning and will depart on Monday or the Hawaiian Hotel. It was the inten- lies in cutting through jung es and art- preciate a new building, which is much Tuesday of next week. tion of Mr. Hundeshagen to visit the erward getting into a region of ex-

"On Sumatra there is also considerhe is compelled to forego this please, able gold and copper mining," said Mr. Hundeshagen, "What is needed is more The visitor is from a group of Islands outside capital. If American capital

sure, would be great. The people there make no exertion to work the mines up to what they should. That gold has long been known to be in Sumatra lies in the fact, or tradition, that Chinese worked the deposits hundreds of

MAUI, Nov. 26.-Thanksgiving Day was passed most quietly on Maul. The various plantations allowed no holiday, so there was no celebration in the way of sports. Family dinners alone marked the day.

AN UNPOPULAR LAW.

Among several obsolete laws to be

enforced on Maui is the so-called "widetire act." The tires of all wagons must be 14 times the diameter of the axle. and the hind wheels must not run in the same track as the front ones. The three-year time limit for changing the running gear of wagons expired three years ago and Sheriff Baldwin has ordered his deputies to enforce the regulation. This law is most unpopular among the owners of carts and wagons. They state that the expense to be incurred by the change will be excessive, and that wide-tired wagons on narrow roads are always slipping into the gutters. As to cutting up the roads with narrow tires they say that they are willing to pay an additional tax of \$2 per cart annually to keep public thoroughfares in repair.

SALOON DEPRESSION.

The saloon on Maui as an institution seems to have been losing its popularity recently. In Lahaina the only licensed place for the retail sale of liquors is the Pioneer Hotel, where formerly, in addition to the hotel, licenses to sell intoxicating beverages were held and used by Matt McCann, John Richardson and Wm. White. In Hana the only saloon has recently been closed. In Kula the license of its only liquor dispensary has been allowed to run out and has not been renewed.

In Walluku there is no apparent diminution in the retail liquor trade and the rivalry between "The Aloha" and Borba's" is as keen as ever.

Why Maui saloons are being closed is a question for the sociologist.

BASEBALLISTS WORRIED.

Baseball enthusiasts are wondering what the police department will do concerning Sunday baseball games. At the present time the baseball season is over.

It is probable that league baseball games on Maul will in the future be played on the Kahului polo grounds instead of Wells' Park as in the past.

It seems that on the 10th of the present month the four years' lease (a verbal one) of the Wailuku grounds known as Wells' Park expired and that Manager C. B. Wells of the Wailuku plantation will not consent to renew it However, no authoritative action has yet been taken by the Walluku Athletic Association, which doubtless will endeavor to induce Mr. Wells to reconsider his decision.

JAPANESE PATRIOTISM.

The present war has aroused Japanese patriotism to a high pitch. At all the Japanese laborers' camps throughout Central Maui tail flag-poles have been erected and braced up with wire guys. From these masts large flags with white field and red disc in center are often seen floating in the

breeze. Every Saturday from Kahului a number of Japanese reserves depart in the Claudine for Honolulu and Japan of November 17, as follows: They come in from plantation camps in a wagon decorated with four or five large Japanese flags mounted on bam- liquor license because he caned a Swedboo poles. Surrounding the wagon there is always an escort of fifteen or twenty friends on horseback.

GOOD MAN LEAVES.

George H. Baldwin, who has been a vell-known resident of Hamakuapoko for the past five or six years and who vas the engineer who recently completed the construction of the Hamakua extension ditch, has permanently removed from Maul and will engage in business in Berkeley, California. He will be much missed by his Makawao

THE PINEAPPLE CROP.

The estimated pineapple crop at Haiku from both plantation and lands belonging to the Fruit and Packing Co. pany found no difficulty in disposing of the fruit packed in tins by it during the past season-in fact people at the Coast stated that they would take ell that the Haiku company would ship

The H. F. & P. Co. is now busy planting out pines.

NOTES.

The Republican district committee Mr. Hundeshagen anticipated explor- has notified the different precinct clubs ing the one which has attracted the to hold meetings for the purpose of most attention and of which absolute-Manager James Kirkland of the Ka-

length of time it would take to make hului store is expected to return from the round trip, which would have in- California today. He went to the Coast Matt McCann, the Lahaina hotel

On Wednesday Maunaolu Seminary closed until after the holldays. A new one-room school house is soon

been visiting Mrs. L. von Tempsky of | The Ladies' Reading Club met at Mrs.

G. S. Aiken is acting as "temporary day afternoon, deputy port collector" at Kahului in the Westher: Extremely cold the latter

OLD CRIME

Kana's Murderer In Prison Thirty Years Ago.

A coroner's jury yesterday reached the conclusion that Joseph Kana, who died in the Queen's Hospital on Thursday night, came to his death as a result of a knife wound inflicted upon him by an aged native of the name of Kahilialau, his brother. Chester A. Doyle, who has worked up the case against Kahillalau for the Attorney General's department, has secured a full confession from the accused man. Kana died from a wound inflicted during the course of a row at the family home on last Saturday night,

The man who did the cutting is in his eighty-ninth year, and more than thirty years ago served a five years' sentence on the reef for murderous as-

Under the heading of "A Savage Attempt at Murder" the Advertiser of April 27, 1872, prints this story: "Last Wednesday evening, at a quar-

ter before eleven o'clock, a native boy

came running into the station house with the information that Mr. C. C. Bennett, who keeps a variety store on the Kalihi road, about a mile and a half from town, had been almost killed by a native named Makanui. Both the Marshal and Deputy were near at hand, and proceeded with all possible dispatch to the place, accompanied by Dr. McGrew. Mr. Bennett was found to have received two cuts with a large, twelve inch butcher knife, one acros the back of the neck at the base of the skull which was six inches long and one and a half deep, and the other on the cheek which was slight. Although the first cut made a horrible gash and bled profusely, the doctor who dressed the wound apprehends no immediate danger to life.

After mentioning the arrest of nine different men for the crime, the Advertiser relates that Kahilialau, a hangeron at the fishmarket, was finally taken into custody as the tenth and was recognized by Mr. Bennett as his assailant. The man pretended to be insane after his arrest, but was tried at the ensuing term of court nevertheless and sentenced to five years' on the reef.

Mr. Bennett, the victim of Kahilialau's fury, was a man of considerable prominence in the Honolulu of his day. He was the man who first numbered the houses of the little city, some mischievous boys going about at night at that time and tearing down the numbers after he had put them up. He lived for a considerable time after he had been assaulted by the native,

Count von Grebst, a Swedish war correspondent en route to the seat of war. who is a passenger on the Manchurla, was the hero in an episode in San Francisco which is tool in the Examiner

"Spider Kelly," whose true name is James Curtin, will have to defend his ish count. "Spider's" saloon is at 39 Eddy

street. During the early morning of November 12th, Count Nils Bonde of the Royal Life Guards of Stockbolm was passing "Spider's" place with W. Ason Grebst, Japo-Russian war correspondent for a Swedish newspaper, and Charles Hollingsworth, a traveling companion. A drunken woman was on the street and the three men stopped to look at her.

According to the affidavits in the possession of the police, "Spider," who was drunk, rushed upon the men and asked them what they were looking at. He swore at them and then struck Grebst with a cane. He also belabored Count Blonde with the same weapon. "Spider" was arrested for drunkenness, as the aggrieved men would not lodge a battery charge against him.

Captain Duke's report of the matter, which was read to the Police Commissioners last Tuesday night, states that the foreigners have left the city, and that he could not do better than get their affidavits. Upon Duke's report the commissioners cited "Spider" to appear and show why his license should not be taken from him.

HAPPILY SURPRISED. Many sufferers from rheumatism have been surprised and delighted at the prompt relief obtained by applying Chamberlain's Pain Balm. A permanent cure may be effected by conterfered with his duties as a mining to select a large stock of Christman tinuing the use of this liniment for a Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii. -0-0-0-0-0-0-0-0-0-0-0-0-

> on Kauai. The steamer Nevaden arrived in Ka-

Last Sunday a steamer landed fifty Miss Clara Wight returned to Ko- Japanese laborers at Kahului for East hala by the steamer Kinau. She has Maul plantations,

S. E. Taylor's at Hamakuapeke on Fri-

. Newspaper $\mathsf{ARCHIVE}^{@}$

Hawaiian Cazette.

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A. W. PEARSON.

TUESDAY : : : NOVEMBER 29

Manager.

A NEW LAW BOOK.

The publication of a law book by a Honolulu publishing house, as a private venture, is an important enough event to warrant editorial mention. If memory serves us all Hawaiian law books have heretofore been published by the government. The new departure consists in the compilation, indexing constitutions and early fundamental laws of Hawaii and all of the proclamations, treaties, resolutions and procedure incident to the abrogation of the monarchy, the creation of the republic and annexation to the United States, ending with the Organic Act by which Congress created Hawaii into a Territory of the United States.

The necessity for such a publication is manifest from the fact that practically all of the laws in question are out of print and but few of them have ever been indexed.

The book is printed in large clear type, on good paper, and is well bound in leather. In workmanship it would be a credit to any publishing house. A special feature of the book is the index, which is unusually full and com-

plete with many cross references. The compilation will be of value not only to lawyers, judges and government officers, but to corporations and business houses as well, for the Organic Act deals in such detail with our internal affairs that the business man must frequently desire to consult it.

The publication will also be of intense interest to students of history and political development, showing, as it does the evolution in sixty years of an absolute monarchy having no written law into a liberal constitutional monarchy; the reversion of that monarchy into one giving the ruler greater power; the forcing of a more constitution from a reluctant king; the rise of a revolutionary government with a substitute for a constitution in the shape of a proclamation drafted partly on the model of the American Declaration of Independence and partly on the lines of the declaration of the great French revolution; the creation of an independent republic; the negotiation of a treaty of annexation to the United States; the failure, of the United, States Senate to ratify such treaty and the basing of a joint resolution thereon which completed the annexation, concluding with the Union.

No such pic tory has been woven in any other country, and the Fundamental Law of Hation in the hands of those who desire to study it.

A SERIOUS MENACE.

Glanders is a pestilence of frightful mien, as horsemen and farmers who have seen it attack or threaten their tive. stables realize. Perhaps, though, the that no more hideous death can come to a human being than from this cause. It is death inevitable to him who is seized of the malady and the circumscribed. There were two human fatall- to battle with it as terrified men unite ties from the disease in the epidemic of gianders which visited these islands The Russian peasant has been ground twenty years ago. That visitation districts. It was stamped out by firm hints of freedom, some hopes that Rusthe late Dr. James Brodie, V. S., the growth, following the breaking of the first veterinarian ever employed on Tatar yoke. The great republic of regular salary by the Hawaiian Government. There was considerable of an nations against the might of the Czars outcry at the time against the severity of Muscovy for long years. While the itation and, it is safe to say, there is attached to the soil the chains of slavnot today an intelligent horseman in ery were forged, and under the the islands who remembers the occa- Romanoffs the beast has been more

As the Advertiser has informed its more and more hardly driven, until it her troops. In either case the China readers, glanders has again appeared stands today with a kind of brute of unchanging custom will disappear. here. The Board of Inspectors of Ani- patience, looking abroad into a world mais is without funds to carry out the of freedom with a dumb wonder, pernecessary measures of suppression and haps, at the superior condition of other repression and is appealing to the men but with small realization, ap-Board of Health and the Stock Breed- parently, of the pitifulness of its own. ers' Association for financial support. When the beast turns! When the Rust this city, where the aboriginal people For the reasons already given and in sian begins to feel his own sorrows! consideration of the fact that a large Thrones will totter and from the abyes amount of wealth is represented by will rush once more that storm of blood horses and mules in this Territory, the and fire, across the world. That is menace of an epidemic of glanders what revolution in Russia means. makes an emergency to which the Even men who know best the abuses whole business community should be at of the Russian system will shrink at such things, are disappointed and vexonce alive. The Board of Inspectors the contemplation of the application ed in not finding them. A native in of Animals, with its two veterinary of that remedy-although it may be members, ought, at all costs, to be ade- the only efficacious remedy. quately supported in stamping out the direase.

and Denver and New York and the anniversary of her birth. That is contrary the things may be bogus, Pacific Ocean, told a reporter in Paris the other day that she had no home there is not a very noticeable degree civilized or half-civilized Polynesia of and "lived in her hat." Also, although she did not say so, it is apparent that is only seventy, after All. she talks through it.

Sast was going to be drunk again.

AIR SHIPS BY RAIL.

A lately published story in the mainland newspapers to the effect that the Baldwin alrahip had been crated and boxed for shipment by rall from the St. Louis Exposition to California suggests that the men who have turned their minds to a solution of the problem of aerial navigation do not seem to have grasped, as yet, the fundamental truth that the way to fly is to fly. Perhaps this failure may explain the lack of success that has so far attended all attempts at the practical defici-stration of the possibilities of navigating the air. It is true that several more or less successful airalips have latterly been evolved, and that one or two of the more daring aeronauts have seemed to demonstrate that they could send their machines against the wind. But when the most successful of all the airships goes from St. Louis to California it is boxed up and sent by rail as any other piece of mere mundane machinery might be.

That shows how far the world is yet from aerial navigation. The men who would fly do not fly. Instead, they trundle along on the steam tars, and mayhap on stage coaches and autos just the same as the rest of us.

It is a lesson as old as the world, that the men who have succeeded in doing things are the men who have done them. The modern ocean liner is an evolution from the dugout, as and re-publication of thirteen of the legitimate and as readily traced as any evolution could possibly be. It has come because men who wanted to cross water have proceeded to cross it. They swam, in the first place, as all animals do, and from swimming came the next step in the discovery that they could cross on floating logs and help their progress by paddling with their hands. The cance and the sailboot followed naturally, and the stately ship crossing the wide seas is but a development cultivation, which is fifty miles from from the pirogue of the savage slipping a steamer landing. Where the great across a narrow lagoon.

When Fulton evolved the steamboat from the application of the power of propulsion of a steam engine to a floating hull, he did not take his hull apart to be returned to New York in sections ofter he had shown that the boat could really be navigated. Not at all. The boat returned to her starting place under her own power, although it may have been with some few hitches, and the steamboat was a success. It went

by steam. Similarly, the railway grew from the horse and cart because the men who wanted to travel by land and set their minds to a solution of the problem of if the vacant public lands of the group themselves. cheap and rapid transit understood as the first principle that the way to do

thing was to do it. It comes around, then, to the first proposition, that the thing for the men who would fly to do is to fly. They must not content themselves with flying for a little way-which is not much more than hopping-and then be content to crawl for the rest of the journey. They must fly and fly-and if they be sea-transportation lines fighting for should fall, even though they be badly their cargoes, and their voting hurt, they must still be ready to get strength would compel all the public up and fly again. That is the road improvements they might require. It to achievement, with airships or with anything else. Nothing succeeds like success. The only way to fly is to fly.

REVOLUTION IN RUSSIA.

Newspaper correspondents talk somewhat flippantly of the possibilities of revolution in Russia growing out of the formal creation of a Territory of the disturbed industrial conditions consequent upon the losses by the war and the withdrawal of vast numbers of men from the productive vocations of waii places the milestones of its crea- peace. And yet revolution in Russia is not a possibility to be lightly considered nor flippantly spoken of. It is a possibility fraught with such appalling possibilities, to the Russians and to the race of men at large, that by the Empress Dowager and is being those who think will shrink from its

The peasantry of France was ground public in general are but scantily aware into the dust for a thousand years beof the fact that the disease is com-fore there came from the abyss a municable to man and, not only so, but storm of blood and fire that swept across the world. The men of today still feel the pulsing of that mighty force—a force for good, although its demonstration was so ferociously cruel lief comes are too horrible to be deto fight against fire.

The Russian peasant has been ground caused a loss of many thousands of cracy almost since the days of Joan dollars in Honolulu and the country the Terrible. It is true that there were and energetic measures conducted by sian manhood might have scope for Tatar yoke. The great republic of of the repressive methods employed, blood of Rurik divided the land among but this was from people who were his descendants, there was still hope ignorant of the fell import of the vis- for the Russ. When the peasants were sion without blessing the name of and more firmly fettered, despite the effort of Alexander to free the serfs, resources and the reorganization of

The ambassadors at Peking have been sending congratulations to the where no one can be found who wears Mrs. Hugh Tevis, of San Francisco Downger Empress of China upon the or uses them. For all he knows to the proper enough, of course, but still of enthusiasm about it. The old lady which he has heard so much in song

Lord Curzon is said to be greatly travel. It looks as if the Success to Crime broken in health-but then, look at the

PARMERS AND THEIR MARKET,

in the Sunday paper baying

been able to save so much money on the continent, had better stay where The tens of thousands who went

pioneering in the United States gradually pushing the frontier over the Aileghanies, the Mississippi and the Reckies, had much the styne trouble at first about selling products. There were no roads, no markets and very little money. But the ploneers hung on to their good farms, perhaps sending their sons further West to clear new ones, supporting themselves, well and fighting a multitude of pests four-footed, winged and invertebrate. Other farmers gradually came and the country was settled up, small villages forming where the storekeepers, minister, lawyer, blacksmith, carpenter, cooper, lumber-buyer, tanner, tavernkeeper, horse-trader, schoolmaster and wool-buyer made their homes and bought things from the farmer for sustenance and to send away in the nighways were improved, the stage and perhaps the canal came, later the railroad entered and the farmer found himself with a market and a competence.

The conditions are similar on the outlying islands of Hawaif but much less arduous. We doubt that there is a place in this group, susceptible of work of the American plonetts was done, hundreds of miles beyond the settled frontiers of civilization, there were few inlets or outlets for trade, there were forests to subdiscund human foes to combat. Owing to climatic causes, six months of every year were months of enforced idleness, where, as a rule, producers turned into consumers. Yet the farmer held on and where his forefathers won there with hardships.

are divided among white farmers, the latter will make their own markets and roads and secure their own transportation. They have done it everywhere in the mainland United States and why not, in the insular portion? If 5000 white people tilled the vacant ican lines." land of Maui, Lahaina and Wailuku would fill up with white people come to do business with them; there would is absurd to think that the dist step in pioneering must be a near-by market and the means to reach it. Who is going to build steamers for a commerce that has not materialized or roads to farms that no openhas occupied? Things do not work that way in trade. First come the productive inhabitants and then the means of doing business with them follows. No one

The extent of Japanese influence in the Chinese Empire has been shown by the adoption of a rule to require Chinese soldiers to cut off their queues and wear foreign clothing. An order enforced by the viceroys. It is a most contemplation even in remote perspec- radical innovation, one which prepares the mind for great political and social changes to follow. China was not unwilling to receive the railroad and telegraph, but it clung to its costume and its queue with such religious tenacity as to make it dangerous, until very recently, for modernized Chinamen abroad to return home in the garb and tonsure they had copied from the "foreign devils." Now the Dowager herself, supposed to be the human incarnation of the most stupid and fantastic conservatism of the empire, snips off the pigtail from her soldiers and orders them into jacket cap and trousers.

Is China on the verge of its great awakening, so long foretold and dreaded? One may easily come to that belief, not only by studying the change of attitude towards things forign on the part of the officials and people of the empire, but in casting up the prospects of the present war. If Japan wins, her influence will be used to make China like fierself, a strong modern power. On the other hand, if Russia wins, China will be Russianized, whether she will or no. and this means the development of her

TOURIST ATTRACTIONS. Mr. Williams's idea of forming a native Hawaiian village in a suburb of may live in the old way, excepting in the old nakedness and heathenism, has a great deal to commend it. So much has been made in literature of the picturesque Hawaiian and his grass but that tourists, who come mainly to see fiannel and khaki, living in a frame house, does not fill his eye; nor does it quite satisfy the tourist to buy native costumes and implements in a land What he demands is the touch of unand story and looked forward to as one of the unique pleasures of Pacific

Mr. Williams proposes to meet this need so far as it can be judiciously

done. He would have a grass but vil-i lage, with tero growing about it, and A writer on Diversifies Africulture poi being made; places where women weave and sell mats, hats and leis, The conclusion I think is, that about dance the ancient non-sensuous huts. anything can be raised on Maut by sing the old songs and serve the a skilled farmers, but it can not be sold. Petizing Hawalian dishes; a village To invite farmers from the continent where spear-throwing and other primito settle there under speh circum- tive sports may be revived and where stances I do not think would be right, a restored helau or heathen temple may To start farming here with less than be visited. He would also have a grass \$1000 would be hazard with very poor church, such as the missionaries had chances. A small farmer who has the natives build and where the latter may worship in their own tongue. All this, if located in the Pauca vailey or some other place near town, would, Mr. Williams believes, be self-supporting-a small entrance fee being charged to meet fixed expenses and the inhabitant of the place selling things for

their own profit. The more of these unique attractions Honolulu sets up, the better for its tourist trade. If a Hawaiian village did well, a native Japanese village, with its temple, its tea houses and its handy artificers might follow. The material is all here. There is room also for an aviary, a zoo and a Tantalus park, things that would go far to relieve the monotony of which tourists; who stay longer than a week, are so apt to complain.

PUBLIC LAND VALUATIONS.

It is understood that the Government, in working out its five-acre experiment trade. Gradually the villages grew, in the Palolo valley, intends to consult tracts. real estate men, especially those holding property in that part of town, as to the scale of prices to be asked.

This may turn out to be an unfortunate move. It is to the interest of real estate men to make the price of public land equal or higher than the price of the land which they are selling. And considering that their valuations are yet too high, measuring them by the suburban prices asked at San Francisco, such an appraisement would go far to defeat the object of getting public land into the hands of the peo-

ple who need it. To our mind the Government in such matters should be extremely liberal. after the example set by the United States. It can afford to be, seeing that it will hold a perpetual tax lien on the improvements put upon the land as well as upon the land itself. WON. And he can win here with ease and can make both pay an annual revenue into the treasury. There is an advantage too, in attaching the popu-The point the Advertiser wishes to lation to the soil and increasing, theremake now that the varied producti- by, the volume of food-products and billty of the soil is conceded is that the capacity of the people to support

One of the greatest barriers to the settling up of any country is high prices. A government should never be responsible for them, especially one which is committed to the development of a Territory along "traditional Amer-

need fear that crops of good sisal, tobacco, pineapples, vanilla and the like will be lost for want of a market; for so long as a market for such things exists it will reach out for the raw material.

Mr. Wadman takes a broad-minded view of the Sunday paper question in common with the most distinguished ministers of the American pulpit, He believes that the Sunday paper is or can be made an agency for good and with interest against the Yick Lung was no reason why it should not work wai Co., a Chinese rice planting firm sees no reason why it should not work in harmony with the pulpit.

construction and 15 vessels unfit for sea-service but of utility in other the office of Seaman, the New York ways-a total of 327. There are 11 first-class battleships in commission directed to him, Since Mr. Seaman beand 14 building.

The only wonder is, in the Judge to this effect was given some time ago | Hebbard case, that somebody hasn't shot at the man before. Hebbard is a natural born target

> Heavens! Have we got to have that election fought over again in the

JAPANESE ENGLISH.

The following extract from a business letter received by a prominent business house from Japanese correspondents, modified by changes of names, etc., is an interesting exhibit the unterrified disposition of the islanders in tackling the idiosyncrasies of our language:

Yokohama, July 30, 1904. Messrs, Blank & Co Chicago,

Dear Sirs: It is with the deepest regret to inform you that our goods shipped by you on the 29th April ex S. S. United States, have sunked with Henry Waterhouse Trust Co., gave San the steamer in the sea near our country by the Russian War ship, of which as follows: Hawaiian Commercial & loss we have handed our claim note to Sugar Co. \$74%, Honokaa \$19, Makathe Insurance Co. at here.

We see such a poor fleet as refuses to get into their honorable fighting Mr. A. H. Pratt, of the Equitable Life, and always run away with their ex- is maintaining his reputation as a treme speed as soon as our mavy ap- business getter, and is as popular in the pears before their sight now comes Islands, amongst strangers, as he is in out to our guardless side and intended San Francisco amongst friends.-S. F. to perform their barbarous transac- Ex. tions in preventing our trade with your Hawaiian Sugar Co., operating Makacountry, at the same time to get an well plantation, yesterday declared a opportunity of taking their practice as dividend of one per cent, a month bea Pirate. This is their only object in- ginning with December 15. Estimates deed, but nothing else, which render are that Makawell's new crop will be no effect against our fighting influence 16,000 tons, or 5000 in excess of this directly, but only a present commerce. year's. We can be patient enough for such a tyrant fiéet just a little while, as we can foresee how a keen punishment should be given to them in the near future unavoidable by our Navy, Still we must feel very sorry for Universal McCorriston, Kamalo, Molokai; J. Lan-Commerce, especially for your coundo, Honolulu; J. J. Egan, Honolulu; try's as to a great prevent. We hope Fred. L. Waldron, Honolulu; Oscar B. and expect that these pirate will be Braddick, Honolulus Henry E. Walker, washed off in short future.

Yours faithfully, A. ♠ CO. Doubtless we would do much worse with Japanere.—Life.

-I married her.

LOCAL BREVITIES.

(From Saturday's Advertiser) Dr. Armitage departed yesterday for

Mrs. Yarndley is at Wahlawa for a nuch-needed rest. She hopes to return to her classes at an early date.

The survey steamer Patterson has begun her work in Hawailan waters in the channels about Kahoolawe island.

A number of cadets from the German training ship were present at the Honolulu Symphony orchestra rehearsal last night.

Mr. and Mrs. Rettig, who have visited in Honolulu several times, are through passengers on the Manchuria for the Orient.

Mr. and Mrs. W. H. Alley, who have been stopping at the Moana Hotel, left yesterday on the Mauna Loa for a tour of the big island.

Pioneer Mill and Kipahulu Plantation on Maul and Kekans Plantation on Kauai, all in the Hackfeld group, have started grinding the 1905 sugar crop. Miss Louise Lefferts arrived yester-

day on the Alameda from New York and will visit with her sister, Mrs. C. Montague Cooke, Jr., of College Hills. It is the Government Palolo land and not the company's which a corresponds

ent complained that he could not get. The company's land is for sale in villa L. Tenney Peck, president of the Rap-

id Transit & Land Company, accompanied by Mrs. Peck and infant, returned on the Manchurla from an extended visit in the East.

Albert Rass, late of Honolulu, who is now vice-president of the Hidalgo Rubber Company of San Francisco, was recently in Mexico looking over the properties of the corporation.

Thomas Fitch, who is at Lewiston, Idaho, has been ill with rheumatism for some time. He intends to leave for a bot springs resort soon and will return to Honolulu in January.

Father James, Provincial of the Catholic Mission, departed on the Mauna Loa for Maui, having been called there by a wireless message announcing that Father Charles of Maul is quite

The Kamehameha Alumni dance, postponed from last week, will take place at 8 o'clock tonight at Progress Hall. With good music and a large attendance the Alumni expects to have a

(From Sunday's Advertiser) Contempt citations by Gear's court

have become chronic. We don't won-The law against driving fast over

Sheriff Henry. It does not reach automobiles, there having been none when the law was made. High Sheriff Henry has discovered that the Union League Club in San

Franci co, on leaving the Palace hotel premises and setting up by itself; had to take out a retail liquor license.

Joseph F. Smith, head of the Mormon church in Utah. has begun suit here to foreclose a mortgage for \$1558.98 at Laie.

As an indication of the interest tak-The United States Navy consists of en in the Eastern States concerning 265 vessels fit for service; 47 under Hawaii, the Hawaii Promotion Com- flaw Terrl. 434 p. c... mittee received eighty-two letters from City advertising man, which had been came the representative of the Promotion Committee the inquiries, both at New York and Honolulu, have become heavier than before.

> There were no sales on the stock exchange yesterday.

> The Bar Association will hold its quarterly meeting at 4 p. m. tomorrow in Judge De Bolt's courtroom.

Sisal, in Ewa district, had 4.65 inches of rain in a little more than twentyfour hours of the recent storm.

Joe Leal, a mounted police officer, received a painful wound in the hand by the accidental discharge of his revolver while he was cleaning it.

Nina L. D. Frasher, principal of Kaiulani school, has sued for divorce of the national spirit, as well as of against Charles E. Frasher on the ground of failure to provide, and asks for the custody of their children.

> Motorman A. B. Coffee is engaging talent for a smoker to be given by the day-shift motormen and conductors of the Rapid Transit in the near future. C. J. McCarthy has donated his hall. The daily cable from Pollitz & Co. to Francisco stock quotations yesterday weli \$8214, Paauhau \$2114.

Advices from Honolulu indicate that

GRAND JURY PROBES VOTE,

(Continued from page 1.) Honolulu; Sam'l G. Wilder, Honolulu; Sam'l B. Rhodes, Honolulu, and Geo.

A somewhat significant incident orcurred when the name of Curtis P. Iauken was drawn from the box' in the Bienks-They say it isn't easy to course of the drawing of the jury, keep a girl in your kitchen nowadays. Judge Dole instructing the clerk to be prevailing direction during M bours but I've had the same cook for twen- draw another name, as it would not anding at \$ p. m. Velocity of wind in ty rears. Biones-That is a good rec- be proper for Mr. laukea to serve, he ord. How did you manage it? Bienks having been a candidate for delegate to Congress.

Kaja, Honolulu.

Old as the Pyramids

And as little changed by the ages, is Scrofula, than which no disease, save Consumption, is responsible for a larger mortality, and Consumption is its outgrowth.

It affects the glands, the mucous membranes, tissues and bones; causes bunches in the neck, ca. tarrhal troubles, rickets, inflamed eyelids, sore ears, cutaneous eruptions, etc.

"I suffered from scrottla, the disease aftecting the glands of my neck. I did everything I was told to do to eradicate it, but without success. I then began taking Hood's Sarsaparilia, and the swelling in my neck entirely disappeared and my skin re-sumed a smooth, healthy appearance. The cure was complete." Miss Anna Mirchell, 915 Scott St., Covington, Ky.

Hood's Sarsaparilla and Pills

Thoroughly eradicate scrofuls and build up the system that has suffered from it.

BUSINESS CARDS.

H. HACKFELD & CO. LTD.-Ger Commission Agents, Queen St., Hone-luiu, H. L

F. A. SCHARFER & CO.-Importers and Commission Merchants, Honola-lu, Hawaiian Islands.

LEWERS & COOKE .- (Robert Lewers F. J. Lowrey, C. M. Cooke.)—Import ers and dealers in lumber and build ing materials. Office, 414 Fort St.

eonolulu iron works co.—Machinery of every descrition made to

HONOLULU STOCK EXCHANGE.

Honolulu, Nov. 28, 1904. NAME OF STOCK | Capital | Val. | Hid. | Ask. C. Brawer & Co. -_... \$2,000,000 100 STGAR Awaiian Sugar Co. 1134 130 Kahuku... Kihei Pian. Co., Ltd. Kipahuku... Koloa McBryde Sug. Co., Ltd. Oshu Sugar Co. Onomea. Olas Sugar Co., Lid... Olowalu... bridges is to be enforced by High sauhan SugPlanCo. Pacific Pacifi Walluku Walmanslo STRANSKIP COS. Wilder S. S. Co.: Inter-Island S. S. Co., 500,000 600,008 100 MINCHLLAW MOUS. Haw. Electric Co H. R. T. & L. Co., p'd H. R. T. & L. Co., o' Hutnal Fel. Co O. R. & L. Co Hilo R. R. Oc 100 BOHDS. Haw. Gov't., 5 p. c.... Haw. Tor., 4 p. c. (Fire Claims) Olas sugar Waisina Ag. Co., 8.p.c., Kahuku 8 p. c. Pioneer Mill Co. 8 p.c. Pais 8 p. c. Haiku 8 p. c. Hawaian Sugar 8 p. c. Hawa, Comi. a Sugar Co. 8 p. c. 100

TIDES, SUN AND MOON.

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Last quarter of the moon Nov. 29th. Times of the tide are taken from the United States Coast and Geodetic Survey tables.

The tides at Kahului and Hilo occur about one hour earlier than at Hono-

Hawatian standard time is 10 hours 20 minutes slower than Greenwich time, being that of the meridian of 157 degrees thirty minutes. The time whistle blows at 1:30 p. m., which is the same as Greenwich, 0 hours 0 minutes. Sun and moon are for local time for the whole group.

METROROLOGICAL RECORD.

imped by the U. S. Weather Bureau Office Every Sunday Morning.

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Note:-Barometer readings are our rected for temperature, instrumental errors, and local gravity, and reduced to see level. Average cloudiness stated in scale from 0 to 10. Direction of wind average velocity in miles per hour.

ALEX. McC. ASHLEY, Section Director, in Charge.

CONDEMNED

Supreme Court Roasts Judge Gear Exceeds His Peculiar Police Practice.

A unanimous decision of the Supreme Court in the case of Matsumoto Moritaro, lunder sentence of death for murder, unqualifiedly condemns the examination of suspected persons by the "sweat box" method and atrongly censures the sentenced by another Circuit Judge to conduct of Chester A. Doyle, a detect pay a fine of \$350 and costs on his plea tive, in assaulting the defendant, Mori- of guilty to the charge of selling liquor taro, while under arrest. Nevertheless, without a license. This decision is on the exceptions from the Fifth Circuit Court are overruled and case is remanded to that court. The findings contained in the syllabus are these:

"A confession by a person accused of murder made in the presence of the sheriff, his deputy, a detective and an interpreter not in the employ of the prosecution held admissible in evidence notwithstanding the fact that the sheriff charged the defendant to tell the truth, and did this because other witnesses had implicated defendant.

"A slight assault by a detective upon defendant during an interview at which the detective sought to obtain a confession from defendant, but failed to do so, held not to affect the admissibility in evidence of a confession made two days subsequently."

Justice Hatch writes the opinion of the court. M. F. Prosser, Deputy Attorney General, appeared for the prosecution, and A. G. Correa for the defend- pus for the reason that his punishant. Matsumoto Moritaro was convicted and sentenced to death at the March term of the Fifth Circuit Court, Kauai; for the murder of one Albion H. Glennan by exploding seven or eight sticks to issue writs of habeas corpus and of giant powder under his bed. Of a (2) that the offense was not infamous number of exceptions to the admission and so could be tried on information of evidence at the trial, the only one says: "No opinion need be expressed presented to the Supreme Court related upon the second of these contentions, to the admissibility of a confession made as we are of the opinion that the first by the defendant.

Moritaro was arrested in Honolulu Chester A. Doyle for the purpose of obtaining a confession from him, if possible. Of this matter the opinion of the in which it is not demandable or right court gives the following account:

Doyle testified to the court, on a hearing had in the absence of a jury, as to the admissibility of the confession, that he started in to ask the defendant everything he could possibly think of peal by a convicted person to escape leading up to the time he came to the punishment. If habeas corpus were islands and as to his connection with available for such a purpose and with-the plantations. Doyle says that the in the power of the lower courts to defendant told so many conflicting grant, the result would be that crimstories and lied so that when we called final cases would take that route as his attention to his conflicting state- the shortest and one judge would dements and asked him if he wasn't lying cide appeals from another judge in disregard of the appellate cout of the story and he would get tripped up, and ually he got very insulting and take from anybody and I shook him and boxed his ears. used language that you or I would not P

"Court-More than once?"
A. I think more than once.

"Q. So as to inflict any bodily injury? There were no marks on him

I struck him with my open hand over his ears.'
"'O. You struck him in consequence of his using insulting language to you?

any further conversation with him?"

"A. None, we left him."

Two or three days after the incident thus related the defendant, after having been seen privately by one Kawahara at his house he took refuge the morning after the murder, made a confession Mr. Prosser and Mr. Sheba, the last-Garden Island newspaper. Before the defendant made his statement he was charged by the sheriff to "tell the truth," because other witnesses had im-plicated him. Mr. Sheba testified that the defendant was warned before making any statement that everything he might say would be used against him. It was on cross-examination that the sheriff said he told the defendant to tell the truth because other witnesses had implicated him." The Supreme Court

says:
"It is not clear that this fact of the implication by other witnesses was communicated to the defendant by the business, even where the government sheriff. It, however, he had stated this buys the netting and furnishes it to to the defendant, though it was an improper statement to make to him, we do not think that under the circumstances this alone should render the

confession inadmissible." The court considers the case of Bram vs. United States, where a confession was rejected for a similar statement but as one of a number of circumstances could not have been received in evi taken together, concluding that the dence, for the law cannot measure the other facts in the Bram case were not force of the influence used, or decide all analogous to this case. In the Bram upon its effect upon the mind of a priscase the defendant was subjected to oner, and therefore excludes the decgreat personal indignity and browbeating. It is found that the admission of been exerted. the confession in evidence by the trial court in this case was a correct ruling. Also, it is found that "the misconduct of Doyle on the occasion two days previous" did not have any influence in causing the defendant to make the con-"The assault, though inexcusmade a very slight impression, if any, upon the defendant.

this," the court Notwithstanding the prisoner. A confession made at intimidation and undue pressure of any that time and under those circumstances kind."

UNLAWFUL

Powers in Habeas Corpus.

Judge Gear is found by unanimous opinion of the Supreme Court, written by Chief Justice Frear, to have committed error in granting a writ of habeas corpus for the release of Gow. a writ of error sued out by Arthur M. Brown, High Sheriff. E. C. Peters, Deputy Attorney General, appeared for plaintiff in error, and Cathcart & Muverton for defendant in error. The syllabus of opinion reads as follows:

"Circuit Courts have not jurisdiction to issue write of habeas corpus in cases in which such write are not demandable of right. Such jurisdiction is confined by the statutes to the Supreme Court, its Justices and the Circuit Judges. The jurisdiction to issue such writs is not inherent in the Circuit Courts in the sense that the Legislature cannot vest it in other courts or in the judges to the exclusion of the Circuit Courts as such, nor does the Organic Act deprive the Legislature of such power."

Judge Gear released Goto from prison, to which he was committed in default of paying his fine, on habeas, corment was infamous and therefore unlawful without his having been indicted by a grand jury. On the writ of error it was contended "(1) that the Circuit Court was without jurisdiction and complaint." The appellate court must be sustained.

Reviewing the laws on the subject and sent to Kausi and while in jail the court says: "So far as the statutes there was interviewed by Detective so therefore a Circuit Court cannot go, therefore, a Circuit Court cannot issue a writ of habeas corpus in a case and probably not in any case."

> A case of the writ being "not demandable of right," as explained to ar Advertiser reporter, is where the writ is employed instead of the right of apcountry.

California fruit growers may, according to information that has been received by the horticultural commis-A. Yes, sir. a.Q. After you had shook him and sioner of California, be greatly beneboxed his ears, as you say, did you have fitted, to the amount of many thousands of dollars, by a proposed move in Hawaii to shut out fruits from portions of the world where insects dangerous to vegetation infest trees and fruit. This will compelipurchases here, Alexander Craw, who is now the Hain the courthouse in presence of Sheriff waiian superintendent of entomology, Coney, Deputy Sheriff Rice, Mr. Doyle, has recommended to the board of commissioners of agriculture and forestry named being the Japanese editor of the that all fruits from China, Japan and other Asiatic points shall be denied entrance into Hawail.

> The dreaded fruit fly abounce in these places. These files belong to the same family as the melon-cucumber fly, against which California has quarantined. So great have been the ravages of the fruit files that in Queensland and Western Australia fruit can hardly be raised. In Cape Colony, South Africa, fruit trees must be covered with mosquito netting to enable the horticulturists to raise a crop. This makes fruit growing a very expensive the farmers free of cost to them.

> Importations of fruit from China and Japan have recently been received at Honolulu in which also were contained the larvae of the Chinese fruit moth.--California Fruit Grower.

> ************** laration if any degree of influence has

"The whole procedure of police inquisition known as the sweat box' is a matter which has no warrant of law. It is entirely at variance with the spirit of the common law. As pointed out in Bram vs. United States, it is condemned by the English courts as unfair to able, was in fact trivial in its nature." the prisoner and approaching danger-All of the circumstances showed that it ously near to a violation of the rule protecting an accused person from being compelled to testify against himself. Without holding that no interrosays, "the action of Doyle on that or gration can be put by the police to a casion calls for severe condemnation person arrested on suspicion, such in-To lay his hands at all on one held un-der arrest was a cowardly thing to do due regard for the rights of the accusand a gross violation of the rights of ed, and must be free from browbeating.

SWEAT BOX THE WRIT DILLINGHAM PROPHESIES, A BRIGHT FUTURE FOR HAWAII

Railroad and Plantation Promoter Paints a Vivid Picture of Prosperity for the Islands with Prevailing High Prices for Sugar.

B. F. Dillingham, in robust health and as keen and active as ever in affairs, returned from San Francisco yesterday after a long absence. Mr. Dillingham is optimistic over the future of the islands and considers the financial outlook the best. He thinks the sugar situation strong and he believes that it will continue so for two or three years.

"I think Hawaii is in very much better shape financially than she has been for some time," said Mr. Dillingham yesterday. "I think there is a fine outlook and the people ought to feel encouraged According to sugar statistics the surplus is entirely wiped out. It stands to reason that there will be less sugar to sell, and therefore it should bring higher prices.

"The present situation in the sugar market will tend to stimulate production but I don't think there is anything to be afraid of

"All these new sugar plantations have got just as good a show as any in the country. All they need, and have needed, is a good price for their output they naturally have to receive as much or more for their sugar than it costs to produce it. I think people will do well to invest in them. I see by the stock quotations the prices are going up and seem to be firm.

'We all want to see sugar go up, because it is a financial necessity for the future of the islands to have a good price for the output. The price has gone up steadily and will stay until the production catches up with the consumption. The production is still hands, and then on redirect examina-

"I think we are likely to have a good paying price for at least

"People on the coast expect to see Hawaii do well. Every one I have met seems sanguine as to the future of the islands. Of course there are only a few Hawaiian stocks on the San Francisco Stock Exchange, and those are the stocks which are most familiar to the general run of coast people and they-judge by that standard. There are few agents of the other plantations there, except, say, Ewa, McBryde, and Olaa.

"I think there is going to be great prosperity here in the sugar business if prices hold up anywhere near where they are for a few years. That will put this country in a fine financial condition.

"Of course, if the islands endeavor to increase the output it is going to take a lot of time and money to do so. Many of the new plantations are just getting to the point where they are a factor. It takes time to bring a plantation up to the point of paying divi-

"Looking back over the history of some of our best paying plantations, you can see they did not pay dividends at first. Take the his testimony should not be atricken Hawaiian Agricultural Company for instance. It was eight years before that company paid a dividend. When the machinery arrived | The motion to strike out on the ground on the beach, a commission was appointed to go over to the plan- stated will therefore be denied." tation and see whether it was worth while putting up the machinery. Some wanted to abandon it altogether. That committee, to the best of on the books of the Treasury with remy recollection, reported in favor of abandonment. There was one lation to the case. man, however, Henry May, I believe, who had backbone enough to keep at it and finally they went ahead with the proposition. Ewa did not pay a dividend until 1806, or six years after it was started. And so you can go through the history of all the plantations.

"Yes. I feel better now than for many years."

CAPT. LYON, THE NEW NAVAL CHIEF, TALKS OF HONOLULU

"I find that Honolulu in its physical aspects has changed very greatly, and for the better, since my visit here in the long ago," said Captain Henry W. Lyon, the new commandant of the Naval diction.

Captain Lyon sat on the lanai at the Hawaiian Hotel, and smoked an after-dinner cigar in reminiscent mood. "It is a little McCrosson's testimony taken, but the too soon, is it not," he asked in the beginning, "to get my impressions of this beautiful island city?

"Yes; if you put it that way. I was here many years ago, and note many changes. Honolulu, in its physical aspects, has changed mony was set for 4 o'clock, when it very greatly and for the better. The place is still as always very proceeded with all parties to the littbeautiful, a charm about it that is most attractive.

"I find that many new modern buildings have gone up since my time, and the residence section has spread wery greatly out toward for receiving bribes as a police officer, the Punahou district. The people used to live, for the most part, up Nuuanu valley and within a close radius of this hotel, with some residences at the beach. A new city has grown up and there are burglary. many beautiful homes in a section which, (in my time, was wild

"Especially noticeable in the Honolulu of today is the street car system. It is wonderful in its completeness and its efficient De Bolt has been ordered to issue by service. Why, you can go anywhere on the electric cars here. I have been in most of the cities of the world, I think, and I know nothing to equal it anywhere in a town of this size.

"I notice, too, that the harbor here is much better, larger and more commodious than it used to be. In my time the war vessels used to have to tie up to the reef. Now there are good wharves and the ships can come right alongside, and harbor facilities equal to of Charles A. Brown vs. John D. the best—and there is nothing over at the Reef at all.

"No. I know next to nothing of Pearl Harbor as yet. I have not visited the place, but must do so at once because I want to get acquainted with all the parts of my bailiwick. You see, I have hardly had time to study matters up, having only gone into the on for hearing before Judge Little, who el do Rego, who have certain property most pressing details with Admiral Terry. But we must get ready to do something at Pearl Harbor. I suppose, and it is the more important to do this because I see that it is reported that the army has purchased or is purchasing fortification sites there. That will mean work for us.

"To come back to Honolulu, I find many changes, and for the better. This hotel, even, has changed and improved, and this is the ordered a change of venue to the particularly noticeable in these broad and comfortable porches. There could be nothing more pleasant in this climate."

DAY PASSES

Fisher's Testimony High Held Good By Court.

Stephen Mahaulu's trial for embezzlement of public moneys has dragged through another day. After Judge Gear delivered his ruling on the Governor's refusal to appear as a witness elsewhere reported, Deputy Attorney General Prosser moved that the jury be instructed to disregard the state ments just made by the court.

Judge Gear said the motion was quite proper and accordingly instructed the jury that nothing contained in the ruling of the court should be regarded by them as evidence,

Mr. Prosser was about addressing the court on the subject of certain Land Office schedules, the admissibility of which was under contest when the trial was adjourned on Friday. The court cut him short with a ruling that the schedules would be admitted,

J. H. Fisher, Auditor of the Territory, then resumed the witness stand. His examination on the Land Office records was concluded. On cross-examination he admitted that upon his ing, counsel for plaintiff for the first appointment to office he had placed his resignation in the Governor's tion testified that he did not know whether or not his resignation had been accepted.

Mr. Thompson for the defendant then moved that the testimony of Mr. Fisher be stricken out on the ground that he was not the Auditor of the Territory because he had given his resignation to the Governor. Judge Gear took until after recess

to rule on the motion. When the court resumed at 2 o'clock he denied the motion. After some remarks based on the Organic Act to the effect that the taking of undated resignations from officials by the Governor was illegal, adding that if the appointment and resignation were both valid the official might withdraw his resignation at any time, the court thus decided:

"There being no doubt that Mr. Fisher has been and is now acting as a de facto officer of a de jure office out, even if he does not hold the office under a full and legal appointment.

Auditor Fisher was then again called to the stand, this time to be examined

Prosser expects to conclude case for the prosecution today.

PARKER CASE INNINGS, in the Parker guardianship matter, by the defendant of certain goods and all about.

Mr. Magoon, attorney for petitioner per annum. Low, wanted to have the testimony of J. T. McCrosson taken before he left for the mainland on Wednesday.

Mr. Kinney, of counsel for the guar- pany. dian, raised a laugh by saying, "We do not wish to press those contempt proceedings against the court," the allusion being to the suspension of the case pending the appeal to the Federal Supreme Court on the question of juris-

Judge Gear said he had received no restraining order from the Supreme Court. It was quite proper to have Mr. the plaintiffs covers, includes, or is a court would not hear the whole matter at that time owing to the Mahaulu

The taking of Mr. McCrosson's testi-

ARRAIGNMENTS.

A. McDuffle's pleas, under indictments were further continued yesterday until tomorrow.

William Hoopii pleaded not guilty to Kuramatsu pleaded not gullty to

manslaughter. MANDAMUS TO DE BOLT.

A writ of mandamus to Judge J. T. Chief Justice W. F. Frear, on the petition of John D. Spreckels and Adolph B. Spreckels, partners under the name of John D. Spreckels Brothers. The writ is made returnable before the Supreme Court on Monday, Dec. 5, at 10 a. m., and commands Judge De Bolt to proceed with the hearing of the cause Spreckels and others or show cause to the contrary.

There is a history of the cause given in the petition. It is an action in ejectment which was filed in the Fourth Circuit Court in December, 1899, and came after one mistrial ordered a nonsult to interests to be guarded be entered. This order was reversed by the Supreme Court and a new trial ordered. Thereafter the present petitlopers moved for a change of venue, which was contested by the plaintiff but without raising the point of Judge Little's disqualification, and Judge Lit-Third Circuit Court, to which no exception was taken by the plaintiff.

A trial in the Third Circuit Court re- stated.

Shariff's Quiet Sunday Aids Wives.

"It was a quiet Sunday," said High Sheriff Henry yesterday. "It was kept in a manner which should not arouse criticism at any point. The rain did much to help us and I guess most men were glad to stay at home.

"It appears to me," the High Sheriff continued with a smile, "that the wives in this city ought to thank me for arranging Sunday so that their husbands will stay at home.

"Wives are generally complaining about the lodges keeping their husbands out at night. They say that their husbands work during the week days and go to lodge at night so that they see very little of them. with a quiet Sunday there is no reason on earth why husbands should not stay at home all day with their wives." 9-9-9-9-9-9-5-9-9-9-9-9-9-

sulted in a disagreement of the jury, whereupon the parties stipulated that the cause might be transferred to the First Circuit Court. Judge Edings ordered the cause so transferred.

The cause was tried in the First Circuit Court before Judge Gear, when a disagreement of the jury resulted. At the present term the cause was assigned to Judge De Bolt and, at its calltime raised the question of the disqualification of Judge Little to make the order changing the venue. Judge De Bolt thereupon refused and still refuses to proceed with the trial or to set it for hearing, for the reason that Judge Little was disqualified, by reason of having given a judgment of nonsult, from subsequently making an order of change of venue.

The petitioners contend that the reason of Judge De Bolt is insufficient in law, therefore pray for the writ of mandamus. The lawsuit relates to lands on the Hilo waterfront.

GUARDIANSHIP CONTEST.

Judge De Bolt yesterday further heard the petition of Rebecca Kanahele for the removal of E. P. Kalama and the appointment of herself as guardian of two minor girls. Resuming today the court will visit the house of a native woman, a witness in the case, to take her testimony there owing to her inability to attend court.

The jurors in Judge De Bolt's court are required to be in attendance on Thursday.

CASE OF THE MILLS. By unanimous decision of the Su-

preme Court, written by Justice Hartwell, the exceptions of defendant to the verdict are sustained in the case of Pacific Mill Co., Ltd., vs. Enterprise Mill Co., Ltd. The verdict is set aside, the judgment thereon vacated and the case remanded to the First Circui-Court for a new trial. Robertson & Wilder for plaintiff, Ballou & Marx for defendant,

The action was a case for damages of \$2079.27 for unlawfully taking pos-There was an irruption of attorneys session and converting to his own use yesterday morning, the Mahaulu trial chattels belonging to the plaintiff. A being sidetracked for a few minutes jury on March 18 last rendered the until the court should find what it was verdict now set aside, awarding the plaintiff \$800 with interest at 6 per cent

Emmett May now absent from the Territory, is head of the Pacific, and Peter High of the Enterprise com-

HANA PLANTATION CASE.

In the suit of Sigmund Greenebaum and Charles Altschul, trustees, vs. Hans Plantation Co. and others the Union Trust Co. of San Francisco, one of the defendants, has filed an answer and cross bill. It denies that the first mortgage of Hana Plantation Co. to lien upon the sugar mill, rallway, rolling stock and any personal property acquired after the mortgage was given, also denies that it is a lien on the crops of sugar cane now growing on the lands mentioned in the complaint of plaintiffs. For itself the Union Trust Co. complains against the plaintiffs and Hana Plantation Co., setting up the facts of its second mortgage on the property to secure payment of its mortgage bonds of \$100,000 held by this complainant, with interest from January 1, 1904. The prayers of the cross bill are for adjudication of the Union Trust Co.'s lien, for an accounting, for the appointment of a receiver, for a sale of all of Hana Plantation Co.'s property, for application of the proceeds to satisfy this complainant's claim and to pay its reasonable counsel fees, costs, etc., and for such other and further relief as to the court may seem proper. COURT NOTES

Mrs. Noblitt was appointed by Judge De Boit as administratrix of the estate of her late husband Dr. William S. Noblitt, under a bond of \$3000. C. A. K. Hopkins, J. A. Thompson and P. H. Burnette were appointed as appraisers of the estate.

Julio P. Rego petitions that J. J. Rodrigues be appointed guardian of his minor brothers, Jose P. and Manu-

Kealoha M. Kealilhooluhi has brought a divorce suit against Kealilboolubi on the grounds of intemperance and failure to support her.

Fusa Hirota is suing for divorce from Bunauchi Hirota on the grounus of extreme cruelty and non-support

E. Madden is manager of the Kukaian Mill Co., not George Osborne, as

of S. Mahaulu One Running fight.

Stephen Mahaulu's trial for embesglement of public funds made but slow progress before Judge Gear yesterday. Auditor Fisher was on the witness stand morning and afternoon, testilying, with books and papers of the Public Lands Department, regarding the \$4500 paid by the Walanae Company. which moneys the prosecution is at- ant. tempting to prove were converted by the defendant to his own use. The 7, 1902, to the date of the indictment. evidence covered a period from June

It was the same intermittent combat over the competency, relevancy and admissibility of evidence which had characterized the trial from the beginning. One sample of the proceedings will suffice for the whole,

The ledger of land rents was introduced, whereupon Mr. Thompson objected that its admission was incompetent in that the volume was not a book of original entry. The court sus-

tained the objection. Mr. Prosser then questioned the witness regarding the account of Mary E. Clark on page 401. On this also being objected to, the Deputy Attorney General argued that the evidence sought to be presented was an admission by the defendant in his own hand-

"It is not a book of original entry," the court remarked.

'It does not matter whether or not it is a book of original entry," Mr. Prosser contended, "as it is an admission in the handwriting of the defend- to the District Attorney to see that the ant. This is not brought before the court as a book of original entry, but Breckons had an extra stenographer at as an admission in the defendant's charged to Mary E. Clark on a certain

"It only shows that he has copied that entry from another book," court rejoined. Mr. Prosser again urged his conten-

tion of a distinction the proposed evi-

dence had from that of 'a matter of original entry. On which the court

"I have no doubt that the objection is well taken.'

Mr. Prosser persisted by way of presenting an authority.

It was then 3:45 p. m. and the trial was continued until 10 a. m. Monday. The court adjourned until 9:30 the same morning.

LATEST INDICTMENTS.

All of the latest batch of indictments, numbering twenty-one, returned by the grand jury were released from the secret file yesterday morning and a number of the defendants arraigned. Harry C. Mossman, former station

house clerk is defendant to five indict- Cholera and Diarrhoea Remedy and ments alleging the embezzlement of fifteen separate amounts of money, the is pleasant to take and never fails to first on September 30, 1902, and the give prompt relief. Why not buy it last on the corresponding day of 1904. now? For sale by all Dealers and The aggregate is \$177.30. He at first Druggists. Benson, Smith & Co., Ltd., reserved his plea, but later entered one Agents for Hawaii. of not guilty, Geo. A. Davis appearing as his counsel. An application for reduction of his bail was granted, Judge Gear making the total \$2500 instead of A bond was furnished under which Mossman was released.

Ah Tam and eleven other Ahs were arraigned for gambling and R. W. Breckons, as their counsel, had their pleas reserved until Monday.

A. McDuffle, former police detective, had his pleas to five indictments for accepting bribes reserved until Monday by his counsel, Geo, A. Davis.

Ah On, former policeman among the Chinese especially, pleaded not guilty ladies executive committee of the Chito three separate indictments for receiving bribes. Geo, A. Davis and F. E. Thompson are his counsel.

Defendants yet to plead, besides those already mentioned, are the following: M. P. Lugan, embezzlement from the O. R. & L. Co.; Wm. Hoopil, burglary; Jose Reveira, vagrancy; Henry Romero, vagrancy; Otomatsu Kawano manslaughter: Gan Gin, lottery tickets in possession.

THIRD COMPLAINT.

An amended complaint, for the second time, has been filed in the action for seizure and detention of goods brought by the firm of Yan Wo Tong against Hoffschlaeger & Cr. Ltd., and A. M. Brown, High Sheric.

Defendants are charged with having, on March 16, 1904, unlawfully, wilfully, and forcibly broken into plaintiff's store on Hotel street, and then and there geized and carried away certain goods. of which an itemized list is given showing a total value of \$508.42, and kept the goods in their possession until April 5, 1904, when they returned them after an action of replevin had been brought for their recovery. Damages are claimed of Melbourne, Austrelia, states: in the sum of \$1500, together with costs.

AN AGGRIEVED LESSEE. In the covenant suit of Chung See vs. Kahanuu Meek, the plea in bar stands submitted before Judge Robinson on briefs. L. A. Dickey for plaintiff; J. J. \$2256.50 is claimed, with interest from March 24, 1898, as damages for terminating a lease on the pretext of conditions broken. According to the complaint, the lease was given to plaintiff on July 8, 1995, by Keakealani Mekini and Mekini Obule, her husband, for the term of ten years at \$149 a year, the leased premises being on the upper side of Merchant street, near Alakea street. On February 8, 1897, the lessors conweyed all their interest in the lease to the defendant. Plaintiff alleges that, relying on the covenant in the lease, agents for the Hawaiian Islanda

he erected two buildings on the premises, one costing \$1355 and the other \$1125. When the defendant entered to terminate the lease she refused, it is asserted, a tender of \$140 rent for the year ending June 30, 1901.

FORECLOSURE SUIT. A bill in equity for foreclosure of mortgage has been filed by Allen & Robinson against J. K. Nakookoo and E. K. Nakookoo. The mortgage is on a piece of land at Kaluaopalena, Kalihi, containing an area of 6865 square feet, and was given to secure a promissory note for \$568, dated April 80, 1903, with interest of 8 per cent. per annum

payable semi-annually. ABOUT TWO COWS.

Judge Robinson yesterday partly heard an appeal by plaintiff from Distric Magistrate E. P. Aikue, Koolaupoko, Oahu, in the suit of Maleka Hailele against Frank Pahia, claiming damages of \$100 for the taking possession and conversion to his own use of two cattle, an aged cow and a young cow, valued at \$60. Judgment was giv-\$925 paid by Mary E. Clark and the en for defendant with costs in the court below. C. W. Ashford appeared for the for certain land dues respectively, appellant, W. C. Achi for the defend-

LAND COURT DECREES.

Judge P. L. Weaver has signed a decree of land registration in favor of John Pekero Makaiwa, a minor, for a lot at Kaakopua, Honolulu, centaining 6175 souare feet.

Another decree of registration in the Land Court is in favor of John William Thompson for lot 12, block 35, peninsula part of Pearl City, containing an area of 14,000 square feet.

Yesterday United States District Attorney Breckons received advices from Washington to the effect that the Attorney-General had approved the titles to the fortification sites at Puuloa and Waialae, after certain specified deeds had been executed and putting it up papers were got in order at once. Mr. work on the deeds yesterday and exhandwriting, showing a sum of money pects to close all the deals for the sites and pay over the purchase prices not later than next Monday.

When these deals are completed it is expected that the War Department will at once proceed with the preliminary steps looking to the building of the

Honoluiu No Refuge.

WASHINGTON, Nov. 17.-Orders were cabled today to Rear-Admiral Terry, in command at Honolulu, to look out for the arrival of Japanese and Russian cruisers. Definite instructions were sent to Terry how to deal with vessels asking for coal or privilege of repairs. The twenty-four hour limit is to be strictly enforced. Similar orders were sent a few days ago to Rear-Admiral McCalla at Mare Island.

WHAT TO DO UNTIL THE DOCTOR ARRIVES.

If it is a case of colic or cholera morbus give Chamberlain's Colic, you will have no need of a doctor. It

Hawaiians at Yale,

In the Yale Alumni Weekly the following notice concerning Hawaiian students occurs: Hawaiian Club-President, Charles S. Judd, '05; vice-president, Bruce Cartwright, Jr., '05 S.; secretary and treasurer, Abraham G. Kaulukou, '05 L.S.; members, (Kahuna Hulakui.) George P. Cooke, '05, and | Noah Aluli, L.S.

By the steamer Alameda a large box of beautiful dolls was received by the nese Fair. About a dozen of the darkcomplexioned ones are being dressed in the national costume of the Flowery Kingdom by Chinese ladies,

WHAT A BLESSING

Many People Are Learning to Appreciate in Honolulu.

What a blessing it is. Sought after by thousands. Honolulu is finding it out. Many a miserable man is happy now

Nights of unrest, days of trouble. Any itching skin disease means this. Itching Piles mean it. Eczema just as bad, and just as bad

to cure. But Doan's Cintment relieve at once, and cures all itchiness of the skin.

A blessing to a suffering public. Here's proof to back our statement: Mr. H. Ryall, of No. 11, Grosvenor St., South Yarra, a very old resident

For some considerable time f have been a sufferer from that annoying complaint known as irritating piles. At times the 'rritation was very annoying, especially at night, and in the for Congress has not been willing to any result—the basis for an attack upweather. I applied some of warm. Doan's Ointment, which I had obtained District Judge Dole has decided, it is anaole will be a matter for future de-Dunne for defendant. The sum of and I am pleased to say that it gave said, to issue a call for a special ses- velopment. me the desired relief from this annoying disease.

Dean's Ointment is splended in all diseases of the skin: Eczema, piles, hives, insect bites, sores, chilblains, etc. It is perfectly safe and very effective. Very frequently two or three boxes have made a complete cure, of chronic cases that have not yielded to

other remedies for years. Doan Cintment is sold by all chemists and storekeepers at 50 cents per box, or will be mailed on receipt of price by the Hollister Drug Co., Ltd.,

BIG SUGAR REFINERY?

Examiner Says That Plans Are Now Under Way For the Construction of a Plant On This Island.

TO THE REAL PROPERTY OF THE PARTY OF THE PAR

The Examiner says: Plans are now being formed for the erection of a large sugar refinery in the Hawaiian Islands, with a view of sending the refined sugar to this country in competition with other refineries that are now sending the product over here. The Honolulu Plantation Company is to be the owner of the new enterprise, and J. A. Buck, the president of the concern, is now in Hawaii looking over the ground. Nothing definite can as yet be learned, and full information on the matter will not be known until Buck's return from the islands.

It has been said that some of the large wholesalers are to be interested in the new refinery, notably Tillmann & Bendel of 327 Battery street and M. Ehrman & Co. of 104 Front street. C. H. Schmidt, the vice-president of the first named firm, denies that his company has anything to do with the affair. Frederick Tillmann, the head of the firm is now at St. Louis and will not return for a month. Mr. Schmidt said yesterday:

"The idea prevails among the wholesalers that the Honolulu Plantation Company is about to erect a large refinery in the islands. I understand that it intends to refine its own sugar and then send over here. The firm of Tillmann & Bendel is not interested in the matter. Frederick Tillmann, the president, may have private interests in this scheme of which I know nothing. Tillmann is now at

At the office of the Plantation Company news was very scarce. Word was given out that the plans have not yet come to a head and nothing was ready for publication.

H. W. Thomas, the secretary of the Honolulu Plantation Company, who has offices at 327 Market street, said:

"I have nothing to give to the papers, because I know but little myself. Buck is now in the islands looking over the ground, and until he returns nothing definite will be known of the affair. The last steamer from Honolulu did not bring any letters from Buck regarding what he had done, and I am somewhat in the dark myself. I can say nothing until we have arrived at some decision about our future movements."

At the office of M. Ehrman & Co. nothing could be learned about the connection that firm has with the new enterprise. - Myer Ehrman, the head of the firm, had gone home and all questions of the firm's interest were referred to him. A call was made at the home of Mr. Ehrman, at 2618 Jackson street, but he could not be found there. Word was given the reporter that "Mr. Ehrman is

H. E. PICKER A WALKING **ENCYCLOPEDIA OF HAWAII**

H. E. Picker, the insurance man and yachting enthusiast, returned from the mainland vesterday in the Manchuria, and bespeaks a bright future for Hawaii from what he gathered of people's impressions concerning the islands.

"I went to St. Louis to attend the convention of insurance men, held at the Exposition grounds," said he yesterday, "and from there I went to New Orleans and Mexico.

"I found, after beginning my travels, that I had to be a walking encyclopedia on Hawaiian matters, for whenever I mentioned I was from Hawaii, people wanted to know all about the islands. I told them about all I knew and I hope I have done some good

"On the Pacific Coast, Hawaii is constantly spoken of. Hawaii is making a name for herself steadily, and much of this of late I attribute to the rise in the price of sugar.

"If one-half the people who promised me they would come down to Hawaii in the next year, do so, this town ought to be pretty full

"I found the literature of the Hawaii Promotion Committee in many places-at St. Louis, New Orleans, and on many trains."

FEDERAL GRAND JURY WILL HOLD A SPECIAL SESSION

Ever since the election there has been | said United States District Attorney a growing sentiment of dissatisfaction Breckons, when interrogated yesterday numbered ballots were voted in certain election precincts. It will be remembered that, immediately following the whole thing simmered down to a mat- matter of record. ter of mere stupidity on the part of settled the matter.

let the thing rest, and United States on the seat of Delegate Kuhio Kalanision of the Federal grand jury on Moned irregularities.

"I den't knew anything about it."

in the minds of some of the defeated concerning the proposed special session candidates over the circumstances that of the grand jury. "You will have to ask Judge Dole. The court adjourned last Wednesday. There had been no election, there were charges of fraud special session called at that time. If made, more or less openly, but the there had been, it would have been a Nevertheless, despite the disinclina-

some few election officers, and it was tion of Mr. Breckons to talk about the supposed that the decisive vote by matter, there is the best reason for which the result was determined had believing that the special session had been determined upon. Whether an Well, it hasn't. It seems that the effort will be made to make the relate Democratic candidate for Delegate suit of its deliberations—if they have

day to look into the matter of the alleg- session, will, it is said, take up the light when it regumes its labors next week.

CREDIT FOR THE KAWAULA TUNNEL

years, among other hydraulic works, I planned and directed all the works of the works of the water development and am still consulted on the subject. The Kawaiia appears on British Government Stamp (in rect some errors in vesterday's Advertiser of the water development in June, 1901, with tiper under the heading "Water De-Ogata as contractor, a very faithful allowers, and without which it is a forgery.

and competent. Japanese, who after wards lost his life in the tunnel. Credit is due to his memory for packing up the heavy machinery and installing most of the plant, under directions. Mr. Waldeyer is the fourth contractor who has been employed on this tunnel, the cost of which has been from \$3.50 to \$7.00 per foot, and he has duly driven the tunnel on the line and grade directed by me, but he has not been employed either as engineer or expert.

driven by contract, which is the best way to do this kind of work. The subject is one of much interest and promise and will be discussed later

The other tunnels have also been

when sufficient progress has been made. Yours truly, J. S. MOLONY, C. E.,

Oahu Sugar Co., Waipahu.

Gerrit Wilder Hurt While Pruning a Tree.

Gerrit P. Wilder had the misfortune to meet with an accident yesterday forenoon resulting in the amputation of one of his toes. He is now resting easy at Miss Johnson's Sanitarium.

Mr. Wilder was in the act of pruning a peach tree when the knife fell, striking his foot and severing the muscles of one toe, besides lacerating the foot considerably. Dr. Herbert was called and on his advice Mr. Wilder was taken to the Sanitarium where the operation was performed.

SORE MUSCLES

Prominent ethletes throughout the country find that the best treatment for sore muscles after severe exercise or hard work of any kind, is a hot bath at bed time, which opens the pores. This should immediately be followed with an application of Chamberlain's Pain Balm vigorously rubbed into the skin. This liniment removes all stiffness and screness and has become a favorite rub down, as it acts promptly and keeps the muscles in excellent condition. For sale by all Dealers and Druggists. Benson, Smith & Co. Ltd., Agents for Hawaii.

The Chronicle says: A. L. C. Atkinson, Secretary of the Territory of Hawall, was a passenger on the steamer from Honolulu. He is a guest at the Palace. Secretary Atkinson is on his way to New York to undertake the floating of \$1,000,000 of Territorial bonds. Speaking of his mission yesterday, he

"The Territory of Hawaii is authorized to issue, for the purposes of public improvement, bonds to the amount of 3 per cent of its assessed valuation with the proviso, however, that not more than \$1,000,000 of bonds may be issued in any one year. It is not the purpose of the Territory, however, to issue more than \$3,000,000 of bonds, and it may be that only \$2,000,000 will be issued. Last year Governor Carter, then Secretary of the Territory, went East and floated the first issue of \$1,-000,000, the proceeds from which have been used in improving the sewer system of Honolulu and in the building of wharves, roads and bridges. The proceeds from the second issue of \$1,-000,000, which it is my business to dispose of, will be used to complete the improvements aiready undertaken. Whether an additional \$1,000,000 of bonds will be disposed of next year has not been decided. The Territory's bonds issued last year were disposed of at a good price, and I am hopeful that we will be able to secure a good figure for those now to be sold." Secretary Atkinson will depart for the East this

A BROKEN DOWN SYSTEM.

This is a condition (or disease) in which doc-ors give many names, but which few of them tors give many names, but which few of them really understand. It is simply weakness—a break-down, as it were, of the vital forces that sustain the system. No matter what may be its causes (for they are almost numberless), its symptoms are much the same; the more prominent being sleeplessness, sense of prostration or weariness, depression of spirits and want of energy for all the ordinary, affairs of life. Now, what alone is absolutely essential in all such cases is INCREASED VITALITY—rigotr—VITAL STRENGTH AND ENERGY to throw off these morbid feelings, and experience throw off these morbid feelings, and experience proves that as night succeeds the day this may be more certainly secured by a course of the celebrated life-reviving tonic TRERAPION NO. 3

THERAPION SO. 8

Than by any other know; combination. So surely as it is taken in accordance with the printed directions accompanying it, will the shattered health be restored, the EXPIBING LAMP OF LIFE LIGHTED UP AFRESH, and a so lately seemed wonderful medicament is purely as and innercoras, is agreeable to the specially and innercoras, is agreeable to the instrument on valley Isle." by Carl Waldeyer. While engineer of the Pioneer Mill Co. for three and a half years, among other hydraulic works. I

THERAPION

Cultivation of the Sugar Cane'

a treatise on the fundamental principles of growing Sugar Cane, should be in the hands of every planter.

The value and use of

Nitrate of Soda

(THE STANDARD AMMONIATE) in increasing and bettering the growth of Sugar Cane is now so well understood that the real profit in sugar growing may be said to depend upon its use.

This Book and other valuable

Bulleting of value to every one engaged in agriculture, are sent entirely free to anyone interested. Send your name and complete address on Post Card.

Wm. S. Myers, Director, 12-16 John St. New York

The undersigned having been apcointed agents of the above company re prepared to insure risks example are on Stone and Brick Buildings and in Merchandise stored therein on the nost favorable terms. For particulars upply at the office of

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North German Marine Insur'ce Co. OF BERLIN. Fortuna General Insurance Co. OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are suthorized to take risks against the iangers of the sea at the most reason able rates and on the most favorable

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for Sea River and Land Transport of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CC. Agents for the Hawaiian Islands.

UNION PACIFIC The Overland Route.

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THE OLD WAY.



THE NEW WAY.



"THE OVERLAND LIMITED." **ELECTRIC LIGHTED** RUNNING EVERY DAY IN THE YEAR Only Two Nights between Missourl and San Francisco

Montgomery St. San Francisco, Cal S. P. BOOTH.

General Agent

POLICE WORKED WELL IN THE WET

The police were rather active yesterday afternoon and evening in spite of the inclement weather. Thirty-five Japanese are in on the charge of gambling. They were playing craps and the Japanese "Flower" game. A couple of these are also charged with the more serious offense of attempting to bribe an officer. They were willing to pay \$15 to have the officer let the crowd

Seven Asiatics forgot the scare of the previous Sunday and opened their shops yesterday—to their sorrow, as they are now locked up at the Police Station. Pilipo Kaleikoa was run in for being disobedient and Kong Chong for violating the ordinance against riding or driving on the sidewalk.

NEWSPAPER HRCHIVE®

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HONOLULU. Commission Merchanta

SUGAR FAUTORS.

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ford, Conn. The Alliance Assurance Company, of

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Empress Line of Steamers from Vancouver Tickets to All Points in Japan, China, India and Around the World.

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THE NEW FRENCH REMEDY.

THERAPION: and popular relimity, used in the Continental Hapitals by Ricord, Rortan, Jobert, Vajpau, and others, combines all the desiderate to be sought in a medicine of the first, and surpasses everything hitherto employed. THERAPION NO. I maintains its world-baseward and well-merited regulation for desarge-basets of the kidneys, pains in the back, and histered allmests, affording prompt relief where the properties and realized with the back, and histered allmests, affording prompt relief where the well-trief resembles have been poweried where the well-trief resembles have been poweried where the properties and realized fines. Therefore, and therefore your properties and evaling of joints, gout, resumediens, a all diseases for which it has been too much a fashion to amploy mercury, careaparilla &c., to the destruction of suffered the wide system through the blood, and thoroughly dissination all polecocus matter from the body.

THERAPION NO. 3 for exhaustion, alsophaness, and all distreasing consequences of institution, werey, overwork, &c. 11 possesses asymptotic power in restoring strength and vigor in these sufferiors in but, nulmality climates.

THERAPION is sold by the principal characterior in but, manufact, and in the world. Price in England, he left and in ed. In ordering state which of the three members in respect, and the world. Price in England, he left and in ed. In ordering state which of the three members in respect of the library and the world. Price in England, he left and in ed. In ordering state which of the three members in respect of the library and the world. Price in England, he left and in ed. In ordering state which of the three members in respect of the library world. The well-before the world. Price in England, he left and in ed. In ordering state which of the three members in respecting the world. THE NEW FRENCH REMEDY.

CHAS. BREWER & CO'S **NEW YORK LINE**

Ship Henry Villard sailing from New York to Honolulu on or about Dec. 15, 1904, FREIGHT TAKEN AT LOWEST RATES. For freight rates apply to

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REALTY TRANSACTIONS

Entered for Record Nov. 25, 1904. Honolulu Grocery Co......Co-P D John W Thompson by Regr..... Notice John N Makaiwa by Regr..... Notice

J H Schnack and wi to C F A Koerner; D; lot 38, blk B, of Kul 1816, Ap 2 Nuuanu Valley, Honolulu, Ozhu; \$300 B 284, p 172. Dated Aug 5, 1963.

Kawahahee and wf to Julia J O Wilder; D; 1 A land, Mokulau, Kaupo, Maui; \$20. B 266, p 8. Dated Apr 21

mtgee to Port Mutual Ben Socy of Hawall; Forc Affdt; por R P 1985, Kul 6245, Ap 1, Vineyard St. Honolulu, Oahu. B 262, p 122. Dated Nov 15, 1904. mtgee to Port Mutual Ben Socy of Hawali; D; por R P 1985, Kul 6245, Ap 1 Vineyard St, Honolulu, Oahu; \$2600. E 264, p 173. Dated Nov 14, 1904,

Kekula Kupihea by afft of migee to Joseph Lutero; Forc Affdt; por R P 5456, Kul 10496, Kamehameha IV Rd. Honolulu, Oahu. B 282, p 127. Dated Nov 15. 1904.

Dubols; D; por R P 5456, Kul 10498, Kamehameha IV Rd, Honolulu, Oahu; \$175. B 264, p 177. Dated Nov 15, 1904. Colcord; D; por Ap 2, R P 1985, Kul 6245, Kamakela, Honolulu, Oahu; \$4400.

Manuel de Souza to Kwong Sing Yuen; I.; pc land, Hauola, Hamakua, Hawaii; 25 yrs @ \$200 per ann. B 273 p 10. Dated Nov 11, 1904.

Ahi by afft of mtgee to John Ross; Forc Affdt; R P 155, Kul 1177, bldgs etc, Kaumakapili, Honolulu, Oahu. B 262, p 120. Dated Nov 2, 1904.

Ahi by afft of ratgee to John Ross Forc Affdt; int in leasehold, Nuuanu St, Honolulu, Oahu. B 262, p 132. Dated Nov 2, 1904.

to Ivy Richardson by Tr; Fore Affdt; various pes land, Kiponaiki, etc, Waimea, etc. Katai. B 282, p 136. Dated Oct 17, 1904. Sara J Cunningham and hsb (W M)

\$2000 and mtge \$2000. B 264, p 181. Dat-

p. 160. Dated Nov 7, 1904. Akoloka to I Rubinstein & Co; BS; bidgs, livestock, wagons, tools, etc. Mo-

Moanalua, Honolulu, Oahu; \$1500. B 265, p 283. Dated Nov 14, 1904.

Entered for Record Nov. 26, 1904. Dick Lahainaluna and wf to Mrs

Chuck Shin Tong to Lee Yuen Hing.CM Angeline K Mossman and hab to D M Kapalau and wf to J M Awa

Lizzie Kapua and hsb by afft of B Maalilli and wf to George H

E C Greenwell to Angelica Teixeira..L

For Tickets and general information D; int in R Ps 1010 and 991, and perhu; \$50. B 266, p 9. Dated Nov 5, 1904.

> Peter C Jones Ltd to Notice; Notice; applen for Reg Title of por Kul 6450, Ap 1, Gr 3303, Kalihi, Honolulu, Oahu.

> 3 265, p 284. Dated Nov 15, 1904. int in lots 1 and 6, blk 10, Kewalo Tract,

Henry Apa to Hinamu (w); D; 1/2 int in pc land, Kewalo, Honolulu, Oahu; \$50. B 264, p 183. Dated Nov 16, 1904. Plo Kaawalauole and wf to Ipoaloha Kalalani (Mrs); D; 4 A of Gr 2577, Hikiaupea, Kaupo, Maul; \$10. B 264, p 184.

Honolulu Gas Co Ltd to Henry Wa erhouse Tr Co Ltd Tr; Tr Mtge; real property, bldgs, leasehold, gas plant, furniture, etc, Honolulu, Oahu; bond issue \$200,000. B 260, p 280. Dated Nov

D; 29475 sq ff land, Wilder Ave, Honolulu, Oshu; \$1. B 264, p 142. Dated

John H Cumming, et al, by atty & migee to Lyle A Dickey; D; 1-9 int in 4 pcs land, Makawao and Kaupo, Maui; -9 int in 7 pes land, Honolniu, Oahu; int in Est of W H Cummings, deed;

Territory of Hawaii, by Supt Pub Works; D; pc land for r'dway, Pukoo, Molokai; \$1. B 264, p 146. Dated May 23, 1904.

Territory of Hawali, by Supt Pub schoolhouse arrived on Thursday even-Works; D; pc land for r'dway, Pukoo, Molokai; \$1. B 284, p 147. Dated May

L: various pes land, bldgs & mehnry, Moillill, Honolulu, Oahu; 20 yrs @ R N Halstead to Harry Armitage: P A; general powers. B 265, p 266.

BY DANIEL LOGAN.

It is not merely that the stock market has been active with strengthening of old favorites, but that there has been a heavy uptaking of previously neglected stocks, which makes the record of the past week a cheering one to review. Notably, there have been heavy purchases of Kihei at an advance of \$2 and of McBryde at an advance of \$1 over the previous week's figures. Honomu has jumped \$10 and Oahu advanced \$3, Waialua \$2.50 and Ewa \$1 a share. With Kihei and McBryde taking the up-grade, it would not be surprising to see Olaa sought after by investors who can afford waiting a season or two for returns. The writer has seen figures to show that the three drawbacks Olaa was subjected to-a rise in the price of labor when the land was being cleared, a fall in the price of sugar when the first cane was growing, and the visitation of the leaf hopper the past year-caused a difference on the wrong side of the plantation of \$1,350,000 on the first three crops, or almost enough to have redeemed the entire bond issue and paid 6 per cent, on the capital stock.

Hawaiian sugar stocks have ruled strong on the San Francisco market for the week. Yesterday's quotations cabled by E. Pollitz & Co. to Henry Waterhouse Trust Co. are as follows: Hawaiian Commercial & Sugar Co., \$74 (the same as the previous week); Honomu, \$18.75; Makaweli, \$32.75; Hutchinson, \$15.75; Honolulu Plantation, \$30; Paauhau, \$20.75. It is stated that Paauhau has declared a dividend of 15c a share. Transactions of the Honolulu Stock & Bond Exchange recorded during the week are as follows: Waialua Agricultural Co. (par \$100), 5 shares at \$60, 15 at \$62,50; Kihei Plantation Co. (par \$50), 80 shares at \$12, 450 at \$12, 50 at \$12, 110 at \$12.50, 120 at \$12, 10 at \$12; Oahu Sugar Co. (par \$100), 50 shares at \$100, 50 at \$100, 100 at \$100.50. 30 at \$100; McBryde Sugar Co. (par \$20), 68 shares at \$5, 2500 at \$5; Ewa Plantation Co. (par \$20), 115 shares at \$24.50, 264 at \$25, 40 at \$25, 17 at \$25; H. C. & S. Co. (par \$100), 180 shares at \$74, 15 at \$74; Honomu (par \$100), 40 shares at \$125, 10 at \$135, 50 at \$135; Ookala (par \$20), 42 shares at \$5; Hawaiian Sugar Co. (Makaweli, par \$20), 30 shares at \$32. Six per cent. bonds -\$2000 and \$14,000 Hawaiian Sugar Co., \$1000 Honolulu Rapid Transit, \$1000 Haiku, all at par; \$1000 O. R. & L. Co., 104.50. Latest quotation of raw sugar in New York, 4.65c.

The statistical position of sugar continues promising. Willett & Gray on November to reported the visible supply of the world on that date as 1,128,490 tons, against 1,648,214 tons the same time last year. This is a deficiency of 519,724 tons which, taken with the increased consumption, gives good promise of high prices throughout the coming year.

HAWAIIAN REFINED SUGAR.

Honolulu Plantation Co. will be prepared to refine its own output of sugar by the beginning of the new year. The installation of a plant for that purpose, costing about \$100,000, has been almost completed. Although some more machinery is coming, the plant as it stands has already been turned over in trial runs. One thousand tons of raw sugar was reserved from late shipments for the initial experimentation. Manager James A. Low, who was in town yesterday, was a little reticent about results at the present stage, but from other sources it is learned that a beautiful article of refined sugar was yielded. Mr. Low expressed his confidence that the plantation refinery would make sugar equal to the best produced anywhere. Calculations had to be made on the difference of temperature here and in Louisiana, as there at the grinding season it is about 50 degrees, or between 20 and 30 degrees lower than the normal temperature of the Hawaiian Islands. A large ice plant is part of the equipment of the local refinery. There is no intention to solicit the refining of 28-100 A land, Moanalua, Honolulu, any other plantation's raw product, the San Francisco Examiner's statements in that respect being misleading. Mr. Irwin some time ago, in an Advertiser interview, gave correct information on the subject. John L. Koster and J. A. Buck from San Francisco are on the ground watching the inauguration of the enterprise on behalf of the Honolulu Plantation Co.

DIVERSIFIED INDUSTRIES.

While there is much discussion in the press of the question of small farming and diversified industries, the cause itself is steadily making practical headway. Surveys will begin this week for the subdivision of the government! lands in Palolo Valley into suburban homesteads. A board of appraisers will examine and report upon the lands, placing valuations upon front and back lands, etc. This will give Land Commissioner Pratt a basis whereby he may decide upon sizes of lots and upset prices.

An important development of the week under this head is the proposition made to the Board of Commissioners of Agriculture and Forestry by the Haleakala Ranch Co., in which lands for homesteading and sisal cultivation are placed at the disposal of the Government in connection with its forest reservation policy. The sisal industry is growing. At Ewa, on this island, the pioneer therein, the Hawaiian Fibre Co., is about to increase its planted area from 750 acres to 1000 acres. Christian Conradt is going to plant sisal on the Island of Kahoolawe. Every encouragement is being offered by the large sugar planting companies on Maui to the settlers to plant sisal. The price of cleaned fiber on the mainland is now \$150 a ton.

MISCELLANEOUS ITEMS.

The Makee Sugar Co. will not send its 1905 crop to market by the steamers of the American-Hawaiian Steamship Co. It has made a contract with the Planters' Line, operated by C. Brewer & Co. and Castle & Cooke, for the ship-Keahonui Rickard to Kanetani Kimi.L ment of its sugar, which will therefore be marketed in San Francisco instead of the East. The Makee Sugar Co. has no Honolulu agency, but does its own business at the plantation headquarters, Kealia, Kauai.-A rumor has been published that the Pacific Mail Steamship Co. may absorb the Oceanic Steamship Co., carrying the mails of three countries between the United States and the Antipodes and operating a local line to Honolulu.—Bids have been opened the lewest being for \$168,000, for constructing one of three new slips on the Honohilu harbor front to accommodate the largest ocean steamers. Preliminary excavations have been started for this important work.—By agreement with the Bishop Estate the projectors of the Kohala ditch have completed their right of way, but that for the Hamakua branch is held up by the Parker litigation .-The Honolulu Rapid Transit & Land Co. will shortly put on its lines some new cars of exceptional capacity and strength.—A deal in San Francisco for the rehabilitation of the Pacific Heights electric railway still bangs fire.—The Hono-Irlu Merchants' Association is moving in the matter of having the laws amended so as to procure more equitable taxation of merchandise.—Decisions of the Tax Appeal Court just rendered are against the assessor to the amount of \$67,000 in income tax assessments, besides the value of \$3 a head for cattle in the herd upon all the ranches of Oahu.-Several hundred thousand dollars have been paid out by the Treasury during the week in redeeming registered warrants. The Government has now practically a clean balance sheet with respect to current revenues and some money on hand for a fresh start.—James F. Morgan yesterday sold, under judicial order, a lot of land at Kaakopua, Honolulu, containing 6140 square feet and belonging to John Naauao Makaiawa, a minor. It was bought at the upset price of \$1500 by J. W. Harvey.—Many leases of land have lately been recorded, apparently indicating an increased activity in general agriculture. Another feature of the records is a goodly number of releases of mortgages, which may fairly be taken as a symptom of returning pros-

the Maul News of Saturday:

Some of the material for finishing the front and side steps of the new

The auto in various forms has made destined to put the livery stables out cent sugar.

of commission before many years, as

that Attorney John Richardson is to

giving dinner on Maul this year, which is another strong appeal for the small farmer. There is good money in a sucing's Nevadan, and it is now thought | Unpaid taxes are now delinquent, that the building will not be occupied and it is thought at present that there will be an unusually long delinquent list on Maul.

Within the next week or two all the

SAVE YOUR HAIR With Shampoos of



And light dressings of Cornours, purest of emollient skin cures. This treatment at once stops falling hair, removes crusts, scales, and dandruff, soothes irritated, itching surfaces, stimulates the hair follicles, supplies the roots with energy and nourishment, and makes the hair grow upon a sweet, wholesome, healthy scalp, when all else fails.

Complete External and Internal Treatment for Every Humour, Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Olderment, to instantly allay tiching, inflammation; and tratation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A Single Surf is often sufficient to cure the severest humour, with loss of hair, when all else fails. Aust. Depot: R. Towns & Co., Sydney, N.S. W. So. Arican Depot: LENNON LTD., Cape Town. "All about the Skin, Scalp, and Hair," post free. POTTER COPP., Sok Props., Boston, U.S. A.

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Each Bottle of this well-known Bemedy for Coughs, Colds, Asthma, Bronchitis, Neuralgia, Toothache, Diarrhœa, Spasms, etc., bears on the Government Stamp the name of the Inventor

DR. J. COLLIS BROWNE.

Numerous Testimonials from Eminent Physicians accompany each bottle.

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Recorded Nov. 15, 1904.

Antonio P C R Spinola by afft of Antonio P C R Spinola by atty and

Kekula Kupihea by mtgee to Peter F W E Howell et als by mtgee to I C B 264, p 178. Dated Oct 26, 1904.

J L Pilipo; Affdt; in re genealogy of J L Pilipo. B 265, p 281. Dated Nov

Geo H Paris and wf to J Alfred Magoon; D; por R P 37, cor Young and Kapiolani Sts, Honolulu, Oahu; \$500. B 264, p 180. Dated Nov 11, 1904.

to Cecil Brown; D; 18,750 sq ft land, College St, Honolulu, Oahu; \$1500, mtge

Oahu; 1014 yrs @ \$1000 per ann. B 263,

analua, Honolulu, Cahu; \$200. 8 265, p 282. Dated Nov 14, 1904. BS; bidgs, livestock, wagons, tools, etc.

Lung Sang Wai to I Rubinstein & Co; CM; leasehold, bldgs, crops, livestock, tools, etc. Moanalua, Honolulu, Oahu; \$1500. B 262, p 189. Dated Nov 14,

Mary Haupu and hab to Q H Berrey...M

mtgee to Joao AntonioForc Affdt

E C Greenwell to Angelica Teixeira..L

Recorded Nov. 15, 1904.

Recorded Nov. 16, 1904.

Dated Oct 24, 1903.

Nov 7, 1904.

\$251. B 284, p 143.

Malaea Kakani (widow) et al to

Dated June 8, 1994.

Newspaper**hrchive**®

J A Akina and wi by affe of mtgee

ed Nov 15, 1904. Akoloka to S M Damon; Can L; 46 Oahu. B 185, p 62. Dated June 14, 1904. S M Damon to Lung Sang Wai; L; 46 28-100 'A land, Moanalua, Honolulu,

I Rubinstein & Co to Lung Sang Wai;

Charles LucasM

D M Kapalau and wf to Kalani (k); sonal property, Heeia, Koolaupoko, Oa-

Henry Apa to Meleana Momona; D;

Honolulu, Oahu; \$100. B 264, p 182. Dated Nov 16, 1904.

Recorded Nov 7, 1904. Jas L Cockburn to F Tasca Halstead; perity.

Emms M Nakuina & hab (M K) to

Lam Wo Sing to Lung Do Wai Co: until after the Christmas vacation.

well as to stimulate good roads on The report is current in Honolulu

start a Democratic paper in Walluku shortly. Please start it at Labains. The following paragraphs are from John; we fight better at long range. Turkey was very scarce for Thanks-

censful poultry farm on central Maul.

its appearance on Maul, and notwith- mills on Maul will start on the coming standing preliminary mishaps, it is season's fun, with a prospect of five



Saturday, Nov. 26. S. S. Gaelic, Finch, from the Orient Stmr. Kinau, Freeman, from Hilo and

way ports, 10:45 a. m. Stmr. Kaiulani, Bennett, from Maui and Molokai ports, 9 a. m.

Sunday, Nov. 27. Stmr. W. G. Hall, Thompson, from Kanai ports. 5 a. m. Stmr. Claudine, Parker, from Maui ports, 3 p. m. DEPARTED.

Monday, Nov. 28. Schr. Mol Wahine, for Honoipu and Kohalalele, at 11 a. m. Stmr. Kajulani, Bennett, for Molokai and Maul ports, at 5 p. m.

Stmr. Noeau, Tullett, for Kaual ports at 5 p. m. Stmr. Ke Au Hou, Bruhn, for Maul and Hamakua ports, at 5 p. m.

PASSENGERS. Arrived.

Per stmr. W. G. Hall, Nov. 27, from Kauai ports.-H. P. Baldwin, A. H. Crook, A. A. Wilson, Mrs. H. Hess, W. C. Boutelle, S. Lesser, J. C. Davies, Jas. Dougherty, Miss D. Kobbe, H. M. Gittel and 44 deck.

Per stmr. Claudine, Nov. 27, from Maui ports.-S. G. Wilder, E. R. Adams, R. O. Hogg, D. Conway, Thos. Dunn and wife, Max Lorenz, A. O. Stevens, W. H. Crozier, O. Ludloff, P. N. Kahokuoluna, John Chalmers, W. E. Shaw, W. A. Balley, R. W. Sharpe, Mrs. De Rigo and child, S. B. Fujiyama, Y. Takakuwa, Wong Yau, V. J. Alencastre, J. H. S. Kaleo, Rev. S. K. Kaailua, L. M. Baldwin, J. H. Fuller, Mrs. C. Tetzlaff, Mrs. J. P. Sylva, Mrs. John

Per S. S. Gaelic, Nov. 26, from the Orient.—For Honolulu: L. Hundeshagen and Wong Hong Shee.

Per stmr. Kinau, Nov. 26, from Hilo and way ports.-F. H. Green, J. C Parker, W. L. Castle, Mrs. Jelloore, H. F. Stipp, W. Williamson, J. L. Carter, Miss H. C. Hitchcock, Mrs. H. M. Snow and servant, Miss M. Ross, Major Jillikaps, C. M. White and children, Hon. P. P. Woods, H. H. Renton, Miss J. M. Barnard, Mrs. Emma Barnard, A. L. Duncan, E. P. Low, Ikua Purdy, W. D. Schmidt, John Gibb, Geo. H. Robertson, Father J. C. Biessel, Bro. Charles.

Departed. Per S. S. Manchuria, Nov. 26, for the Orient.-Dr. A. Hofer, A. H. Afong and wife, Mrs. R. Taubman, Rev. Paul Hinn and wife, Admiral Terry and wife, Miss

Per stmr. Kaiulani, for Molokai and Maui ports, Nov. 28.-Mrs. L. B. Wood, returned on the Kauai. Lau Tang, Dr. A. Mouritz.

SAIL TODAY.

Stmr. Kinau, Freeman, for Hilo and way ports, at noon; for Maui Stmr. Claudine, Parker, ports, at 5 p. m.

Stmr. W. G. Hall, S. Thompson, for Kauai ports, at 5 p. m.

SAIL WEDNESDAY. O. S. S. Alameda, Dowdell, for San

Francisco, may sail in morning. S. S. Siberia, Smith, for San Francisco, may sail in morning. DUE TODAY.

S. S. Siberia, Smith, from the Orient, due this afternoon.

VESSELS IN PORT.

ARMY AND NAVY. U. S. S. Iroquois, Niblack, Station ves-

MERCHANT VESSELS.

Alameda, Am. S. S., Dowdell, San Francisco, Nov. 25. Coronado, Am. bkt., Potter, San Fran-

cisco, Nov. 23. Erskine M. Phelps, Am. sp., Graham, Philadelphia, Aug. 81. George Curtis, Am. bk., Calhoun, S. F.,

Nov. 20.

Herzogin Sophie Charlotte, Ger. sp., Wernecke, Leith, Nov. 16. Kaiulani, Am. bk., Holly, San Francisco, Nov. 14.

The Halls,

Mails are due from the following points as follows:

San Francisco-Per Coptic, Dec. 3. Yokohama-Per Siberia, Nov. 29. Colonies-Per Ventura, Dec. 6. Victoria-Per Moana, Dec. 17. Mails will depart as follows: San Francisco-Per Alameda, Nov. 30. Yokohama-Per Coptic, Dec. 3. Colonies-Per Sonoma, Dec. 7. Victoria-Per Aorangi, Dec. 14.

BORN.

DICKINS-At Walluku, Maul, on Sunday, Nov. 20, 1904, to the wife of A. G. Dickins a son.

PENHALIOW - At Pala Hospital, Maul, on Monday, Nov. 21, 1994, to the wife of H. B. Penhallow, a son.

DIED.

MEYER-At Wailuku, Maui, Nov. 24. 1904, Mrs. Mary Meyer, beloved wife of D. L. Meyer, aged 44 years.

DO NOT BE INFLUENCED. Never hesitate to say "No" to your dealer if he offers you a substitute for Chamberlain's Cough Remedy. It has no equal on the market for the prompt gures of coughs, colds, croup and whooping cough and you make no mistake in huying this medicine. For sale by all Dealers and Druggists. Benson, Benson, Smith & Co., Ltd., Agents for

POLICE SUSPECT THE YOUNG HOTEL TBIEF

The police are still engaged on the Young Hotel robbery case, but no arrests have yet been made. It is rumorthe conclusion as to the identity of the thief, but will obtain complete evidence before making an arrest. Detective Hatter is given credit for the evidence things might be clearly shown. so far adduced.

A Chinese assault and battery case, involving a cross complaint of malicious poenaed on his behalf, quoting from injury, was heard in Judge Judd's the Federal decision in the Aaron Burr court yesterday afternoon. The com- case to show that even the President plaining witness, who had spent three of the United States is not exempt days in jail, said the resson he had from the process, had the defendant arrested was be- Reference was n cause he did not separate him (comalleged was battering him. The case ended in a general discharge of all

Breakers of the Sabbath law were in court and all but one went free. The lone Oriental who was soaked preferred to plead not guilty and fight his case. The result was he was found guilty and fined \$25. The others pleaded guilty and sentence in their cases was suspended thirty days. The intention of the High Sheriff is to give everybody a chance to get familiar with the law before throwing offenders into the bastile.

Crap shooters lost to the Deputy High Sheriff who knew how to roll legal bones better than the real ivories. Each crapster lost \$5 to the deputy. One of the gamblers, Futshimura by name, is held on an additional charge of bribery, having attempted to induce policeman Frank Kanae to release him on payment of \$3. He will now plead to the charge of bribery.

Owing to the grand jury having taken charge of the case, the charges of embezziement against H. C. Mossman were stricken from the Police Court,

The grand jury is to investigate the case of Toepelmann, who, since he was having him brought into court to show injured on the head more than a week cause why he should not be committed ago, has been confined to a cot in the Queen's Hospital.

Hama Kealoha, who has frequently appeared in Police Court cases as defendant, was arrested yesterday and sent to the tanks on a charge of burglary in the second degree. He is alleged to have broken into a Japanese store. The owner caught Kealoha and held him until the police arrived.

A Japanese named Hunda is charged with having stabbed a countryman of his at Waialua on Friday night.

The case of W. A. McKay, charged with selling liquor without a license, was continued on motion of Deputy Sheriff Rawlins. The latter stated that two important witnesses for the prosecution were not to be found and he believed they had been induced to leave the city. It was understood the men were on Hawaii but would probably be

Complaint was made to the police yesterday by Fujita that car 35 of the Rapid Transit Company had damaged his hack on Beretania street. The complainant stated that he had a sick passenger in his vehicle and had stopped tient out when the car struck the hack from the rear.

Kaulkesculi's Repairs.

The island schooner Kauikeaouli is on the ways being repaired. Many of the planks have been removed and the entimbers

GEAR TAKES BACK WATER

(Continued from page 1.) swer to a question that the Attorney General was present on account of a letter he had received from the Governor-the letter which Governor Cared that the police have about come to ter gave out for publication in the Advertiser-proceeded to deliver his ruling on the Governor's refusal to honor the subpoens, which he said he had reduced to writing so that all

> In the course of the deliverance it was argued at length that a defendant was entitled to have any person sub-

Reference was made to the Governor's admission that the court was of a plaining witness) from a man whom he co-ordinate department of the Territory, and the court represented that it was its department and not the executive's which had the construing of the laws. The local laws with regard to suppoenss were quoted, showing that here the process is issued in blank, that a clerk may insert the name of a witness and that the subpoens is obligatory upon the parties served therewith. On this the court says and concludes:

'Never before in this Territory, so far as the court knows, has any Governor of this Territory refused to comply with a subpoens and this question has not therefore arisen here. He certainly is not excepted by the terms of the statute which makes a subpoena obligatory upon the parties actually served. No martial law has been declared, as was the case in Pennsylvania, and the court is unable to find a substantial reason for the Governor's refusal to become a witness in this case.

"As to the materiality of the evidence sought to be obtained, that question is one for the court to pass upon. However, understanding clearly as I do that the chief executive has refused to obey the subpoena I am yet averse to for contempt and will therefore order that the citation do not issue. In so doing I do not overlook the night of the defendant to have produced all material evidence for his defence. the proper time comes I shall rule on the materiality of the testimony which it is alleged the Governor would give. Should it be held by the court that such testimony is not material the matter will end there. On the other hand, should the court hold that the testimony is material the prosecution will be compelled to admit as set forth in the motion that such facts are true, or, upon the refusal of the prosecution so to admit, the jury will be instructed to return a verdict of not guilty for a refusal to have afforded to the defendant his constitutional rights."

DIX SHOULD HAVE GOOD WEATHER

day from San Francisco. The vessel is now out eleven days. Although the transport may have met bad weather between here and the coast, the Pocific Ocean charts state that at this time of the year the Aslatic waters will be fairly free from typhoons and hurricanes. The transport is atherefore tire hull is being strengthened by new likely to land her cargo in Manila in [9] fairly good condition. rung.

EXTRAORDINARY OFFER

The INTER-OCEAN free for One Year.

By special arrangement we are enabled to offer the WEEKLY INTER-OCEAN, of Chicago, absolutely free of charge to all new subscribers to the HAWAIIAN GAZETTE (Semi-weekly), who send in their subscriptions between now and January 1st, 1905, such subscriptions to be for one year. This does not apply to renewals.

The WEEKLY INTER-OCEAN is the leading journal of the Middle West and in addition to its perfect news service has many new and valuable features among which are its Farm Department, Forestry and Floriticulture, Care of the Horse, Boys and Girls page, International Sunday School Lesson, Home Health Club, Health and Beauty Hints, New Household Ideas, Practical Cookery, Latest Styles for all Ages, Best Fiction, full Crop and Market reports.

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THE FUNDAMENTAL LAW OF HAWAII: A NEW LAW BOOK

Edited and Indexed By Lorrin A. Thurston and Published By the Hawalian Gazette Company, Ltd.

The Hawaiian Gazette Company, Ltd., announce the publica of Hawaii, and hereby designated as tion of a book, edited and indexed by Lorrin A. Thurston, containing the several constitutions and other fundamental laws of earlier ings; that such publication be had and days, the annexation treaty, resolutions and procedure and the Organic Act.

The book contains 298 pages of text and 138 pages of index. It is printed in regulation law book type and style and is substantially bound in calf skin.

The price is \$5.

The scope and character of the book and the reasons for its publication are given in the preface, which is as follows: PREFACE TO THE FUNDAMENTAL, 5. The Constitution of Kamehameha

LAW OF HAWAII. Congress has expressly enacted a law organizing Hawati into a Territory, 1887.

and extended the provisions of the United States Constitution to the Territòry. In a restricted sense, therefore, the United States Constitution and the Organic Act constitute Hawairs fundamental law; but the Organic Act

specifically re-enacts the great body of pre-existing Hawaiian statute law, which was based upon the several Hawailan Constitutions and organic laws. A large proportion of the law governing real estate, property and personal rights in Hawaii being based upon these early constitutions and laws; and precedents, decisions and court practice having grown out of them, it is necessary to consult them in order to have a comprehensive understanding of existing Hawaiian law. They are nearly all published, however, in books now out of print, and in scattered volumes, inaccessible to many, and inconveniently located for all. In fact, not even practicing lawyers in Hawaii can, except at considerable loss of time,

decision of practical questions continually being presented to them. Under these circumstances it is believed that the public interest requires the re-publication in convenient reference form of what may be called "the fundamental law of Hawaii." To meet this requirement the following constitutions, laws and documents have been compiled under the common title of "The Fundamental Law of Hawaii,"

place their hands on the laws and con-

1. The first Constitution of Kamehameha III, 1840, including the pre viously issued Bill of Rights.

2. The first laws of Hawaii, enacted under Kamehameha III, (1833-1842), published together in 1842. 3. The law creating and principles

guiding the Land Commission. 4. The second Constitution of Kamehameha III, 1852.

V, 1864. 6. The Constitution of Kalakaua,

7. The Procismation and orders incldent to the establishment of the Provi-

sional Government, 1898. 8. The Constitution of the Republic of Hawaii, 1894. 9. The treaty annexing Hawaii to the

United States, 1897. 10. The Resolution of the Hawaiian Senate ratifying the annexation treaty,

11. The Joint Resolution of Congress annexing Hawaii, 1898.

12. The documents and procedure incident to the transfer of the sovereign-ty and possession of Hawali to the United States, 1898; and the executive orders of President McKinley, relating to the government of Hawali, issued during the transition period between the date of annexation and the passage of the Organic Act, 1898-1900.

13. The Act of Congress organizing Hawaii into a Territory, 1900.

The laws of 1842 are not "fundamental" in the sense that the constitutions and other laws and documents are; but they have been included herein for the stitutions necessary for the study and reason that they were not only the first written laws of Hawaii, but embodied Conveyances, Honolulu, Oahu, in Liber many of the pre-existing laws and customs of the country and therefore throw a strong light upon the örigin and derelopment of much of the present law. Only a few of the laws, constitutions and documents re-published, have ever been indexed. A full index of all of them is included herein. Instead of one general index, each is indexed separately. The reason for such treatment is that reference will usually be desired to a given subject in some one law

> index of the whole. The table of contents gives the page of each constitution and law and of its index.

or constitution. The subject sought

will be much easier found in the short

index of the particular law, than it

would have been in a necessarily long

The transport Dix, with mules, burros and horses, was looked for yesterday from San Francisco. The vessel

Enclosed herewith find five dollars to pay for one copy of the Fundamental Law of Hawaii, which please send to

Cut this out and mail it to the Hawaiian Gazette Company, Honolulu, T. H. with \$5 and the Fundamental Laws of

SAILOR KAUHI **WAS DROWNED**

The report of the drowning of Kauhi, paikou, Hawaii, November 18, was received yesterday by High Sheriff Hen-Nelson, First Officer Wier, boatsteerer Solomon and seaman Kalaniuli of the Helene. The deceased was about at Alea. The report says:

"Kauhi was a sailor on board the S. S. Helene. On the morning of November 18 the Heiene was discharging freight at Papalkou and Kauhi was working in one of the boats. While the boat was lying at Papaikou near the derrick a heavy sea came and swamped the boat. Four of the men jumped into the sea and swam towards the steamer, but Kauhi did not jump. He stayed in the bost until it drifted among the rocks, then he jumped out and swam towards shore. Some one threw a life-buoy to him and he made several attempts to catch it, but did not succeed. Immediately after that he sank and was not seen again that day. The undercurrent must have car ried him away.

GOODS ON A **DOCK DAMAGED**

During Sunday's rainstorm nearly a Bishop dock, was damaged. Watersheds. There is no crown to the finorwater to the central portions. The toward the edge of the dock.

ROAD-BREAKING MACHINE HERE

In the freight landed from the Alaa sailor of the steamer Helene at Pa- meda is a heavy road-breaking machine consigned to the Territorial Government. The machine is mounted on ry from Deputy Sheriff Fetter. The heavy wheels, one in front and one at report includes statements by Captain the rear, two being centrally located. The machine is not large but is very heavy. In the base are perforations through which steel spikes are placed. 22 years of age, married and resided By a graduation of the front and rear wheels, the machine, being drawn by horses or a traction engine, rips up a

> Rev. John W. Wadman will deliver a lecture on Thursday evening at the M. E. parsonage. The aubject will be "Bushido." Tickets are now on sale at Trent & Co.'s and at the grocery store of C. J. Day & Co.

> > COURT NOTICES

HACKFELD VS. P. E. LAMAR.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, TERRITORY OF HAWAII-OC-TOBER TERM, 1904.

H. Hackfeld & Company, Ltd., a Corporation, Plaintiff, vs. P. E. Lamar, Defendant, The Pioneer Mill Co., Ltd., a Corporation, Garnishee. ORDER OF COURT FOR PUBLICA-

TION OF SUMMONS. Upon reading and filing the affidavits of L. N. Baldwin, and D. H. Case, thousand dollars' worth of freight land- and, it appearing to me therefrom ed from the ship George Curtis, on the that defendant P. E. Lamar, has removed from, and is now a non-resifronters say that few docks here are dent of the Territory of Hawaii, and constructed in a way which will pre- that he is now living in the city of vent water from running in under the San Francisco, State of California; and, it also appearing from said affiing and a rainfall generally sends the davits that a czuse of action in assumpsit exists between said H. Hack-Oceanic dock has something of a dip feld & Company, Ltd., as plaintiff, and said P. E. Lamer, as defendant, and and anti-

that said P. E. Lamar is a necessary party thereto; and, it further appearing that a summons has been duly issued in the above entitled case, and due and diligent inquiry and search made for said P. E. Lamar for the purpose of making personal service thereof upon him as defendant, but hat same was not and could not be had for the reasons hereinabove stated. and by said affidavits made to appear:

Now, therefore, it is ordered that service of summons in this action be made upon the defendant, P. E. Lamar, by publication thereof in the Hawalian Gazette, a semi-weekly newspaper, published in the English language in Honolulu, Oahu, Territory

a newspaper suitable for the advertisement of notice of judicial proceedmade at least once a week for four consecutive months; and

It further appearing from a reading of said affidavits, that said defendant, P. E. Lemar, is located in and about the city of San Francisco, State of California:

It is further ordered and directed that a copy of the summons and complaint in the above entitled case be forwarded forthwith by being deposited in the United States Postoffice at Walluku, Maul, postpaid, directed to said P. E. Lamar, at San Francisco. State of California.

Service herein shall be deemed completed at the expiration of time prescribed by the order of this court, this cause to stand continued to and be triable at, the regular March term 1905 of this court.

(Sgd.) A. N. KEPOIKAI.
Judge of the Circuit Court, Second Judicial Circuit.

(Sgd.) EDMUND H. HART, Clerk, Second Circuit Court.

FORECLOSURES

MORTGAGEE'S NOTICE OF FORE CLOSURE.

KOPAEA AND KAPAKI.

In accordance with the provisions of a certain mortgage made by Kopaca and Kapaki of Honolulu, Island of Oahu, Territory of Hawaii, to Samuel C. Allen, of said Honolulu, now de-ceased, dated July 12th, 1902, and recorded in the office of the Registry of 237, on pages 242 and 243, notice is hereby given that the Executors and Trustees under the Will and of the Estate of said mortgages intend to foreclose the same, in accordance with the terms of said mortgage and the Hawaiian

laws, for condition broken, to non-payment of principal and intent. Notice is likewise given that after the expiration of three consecutive weeks from the date of the first publication of this notice, said Executors and Trustees of said mortgagee intend to and will foreclose said mortgage and will advertise for sale the property covered and conveyed thereby and will sell the same at public auction at the auction rooms of Jas. F. Morgan, on Kaahumanu street, in said Honolulu, on Saturday, December 3rd, 1904, at 12

o'clock noon of said day. Following is the description of said

All of that piece or parcel of land situated at Puunui, Honolulu, Oahu, being a part of Royal Patent 3050 to H. A. Widemann; more particularly described as follows:

Apanas 48 and 45, block 3; beginning at the West corner of Apana 43; the same being the East corner of Apana 41 and running: 1. N. 52° E. 100 Rt. along Puunui

Road; 2. S. 38° E. 100 ft. along Apana 47; 3. S. 52° W. 100 ft. along Apanas 46

and 44; 4. N. 38° W. 100 ft. along Apana 41; to initial point, containing an area of 10,000 square feet and being the same premises conveyed to the aforesaid mortgagors by deed of W. C. Achi dated March 18th, 1902, and recorded in the office of the Registrar of Conveyances, Honolulu, Oahu, in Liber 234, pages 179

Further particulars can be had of Kinney, McClankhan & Cooper, Judd Building, Honolulu.

Dated Honolulu, T. H., Nov. 5th, 1994. BATHSHEBA M. ALLEN, MARK P. ROBINSON, JOSEPH O. CARTER. PAUL MUBLENDORF.

Executors and Trustees under the Will and of the Estate of Samuel C. Allen, deceased. 2640-Nov. 11, 12, 25, Dec. 2

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